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## State ethics bill tries to delay lobbying

**REVOLVING DOOR: Two Murkowski officials' new jobs buttress reform drive.**

By TOM KIZZIA  
Anchorage Daily News

(Published: February 10, 2007)

Last year, Kevin Jardell was a familiar figure in the halls of the state capitol, lobbying for a gas pipeline contract as Gov. Frank Murkowski's chief legislative liaison. This year Jardell is once again lobbying the Alaska Legislature, but now he's making \$10,917 a month working for Exxon Mobil, one of the three major oil companies that were negotiating that gas line contract with the state.

Denny DeWitt was a special assistant last year in the Juneau governor's office. Among his duties were overseeing the state Department of Administration, which was drawing up plans for a \$30 million overhaul of the state government's telephone system. Last month he quit his state job and went to work as a lobbyist for the only company to bid on the big phone project.

Jardell and DeWitt are the latest in a long line of powerful state officials, both Republican and Democratic, who have jumped into paid positions with companies whose interests touched their former jobs.

The state's executive ethics law is meant to impede the passage through that revolving door. The law doesn't bar officials from going to work for companies they dealt with, but restricts the kind of work they may do for two years. The idea is to avoid conflicts of interest and assure the public that officials act for the good of the state, not potential employers.

But the law has exceptions. Both Jardell and DeWitt say they broke no rules in lining up their new lobbying clients.

State officials following in their footsteps may find a different set of rules in the future, however. The Legislature is considering tightening restrictions on executive branch officials as part of a broader push for ethics reform this year.

Gov. Sarah Palin has proposed a law that would expand the current one-year ban on lobbying by department heads to include deputies and policymakers in the governor's office.

The new law would also broaden an existing two-year ban on the types of work public officials could perform after switching sides to private industry. Under current law, officials can't switch sides on matters such as contracts or legal cases. The new proposal would include work on legislation or administrative regulations as additional restrictions.

"We want people to have faith and confidence that people in state government are working for the good of the state and not doing it so that when they leave public service there are better opportunities there," Palin spokesman Charles Fedullo said earlier this week.

The governor's bill, SB 64, had its first hearing Thursday in the Senate Judiciary Committee. Most of the initial talk in committee was about new electronic filing requirements for campaign finance disclosure forms. The panel is scheduled to take up the bill again Monday.

In the House, a subcommittee of the State Affairs Committee plans to take up Palin's proposals along with seven other ethics bills at a work session today. House leaders have said they hope to fold all their ethics changes into a single omnibus bill.

Much of the talk of ethics reform this year has involved outside work for legislators. But the revolving door between state and private jobs has been a concern of reformers for years.

Last year, reform-minded Democrats drew attention to Murkowski administration officials who left for private industry, said former House minority leader Ethan Berkowitz.

These included Fish and Game Commissioner Kevin Duffy, who left in 2005 to become executive director of the At-Sea Processors Association, and Health and Social Services Commissioner Joel Gilbertson, who went to work for Providence Health System of Alaska. Both officials had made decisions affecting their future employers: Duffy, as head of the state's delegation on the North Pacific Fishery Management Council, and Gilbertson, who had approved new diagnostic equipment for Providence hospital despite a moratorium in effect elsewhere.

Republicans didn't have to go back very far to find their own example in former Democratic state Sen. Jim Duncan, who quit as administration commissioner under Gov. Tony Knowles and was named head of the largest state employee union. As commissioner, he had been in charge of contract negotiations for the state.

As a result of an ethics complaint investigation, Duncan signed an agreement with the Department of Law to recuse himself from certain ongoing cases and to not discuss state secrets. The department dismissed an ethics complaint against Gilbertson last year, saying it found no evidence he'd made decisions to curry favor with Providence.

The existing system provides little transparency -- a key word used by ethics reformers these days.

Current law directs state lawyers to give legal advice to officials who seek it, and allows for investigations if someone complains. But the advice is generally confidential as are the investigations. The state Department of Law will not say whether it has rendered any advice or opinion involving Jardell and DeWitt, the two officials who recently left the Murkowski administration to become lobbyists, and their clients.

Jardell did not answer questions about his new contract lobbying for Exxon, referring instead to an interview he did last week with the Alaska Budget Report, the Juneau-based subscription newsletter that first reported on the new lobbying careers of Jardell and DeWitt.

In that interview, Jardell said his work as legislative liaison for Murkowski on oil taxes and the gas line contract all involved the Legislature, thereby falling under the existing law's exceptions. He said that his job was to sell the gas line deal to lawmakers, and that he had not been part of the team negotiating the contract with the oil producers.

Based on that, he said, the state Department of Law concluded he could lobby for Exxon without seeking a special waiver, Jardell told the budget review.

Jardell has registered to lobby on oil and gas matters for Exxon, according to the Alaska Public Offices Commission. He also has registered to lobby for Catholic Community Services and AgeNet, a group serving seniors.

Besides Jardell, Exxon Mobil has registered six of its employees as lobbyists in Juneau.

Preliminary figures compiled by the Alaska Public Offices Commission show oil and gas interests

spent almost \$4 million last year on salaries and fees for lobbyists in Juneau, including professional lobbyists and their own employees. In addition, the oil industry reported spending more than \$8 million on related lobbying expenses such as advertising and receptions. The totals for 2006 were unusually high because of all the politicking on the gas pipeline, officials said.

DeWitt left the governor's office last month and registered to lobby for a phone provider, World Wide Technologies, for \$2,500 a month. WWT is the company replacing state phones with a new technology known as Voice over Internet Protocol. The Murkowski administration concluded that the old phone system was on the verge of collapse and such a switch would save the state money. The phone project was singled out in a list of achievements cited by Murkowski at the end of his term.

WWT had the contract to do the first phase of the change and proved to be the only company that bid for the follow-up five-year contract, a \$30 million deal signed Wednesday, said Vern Jones, chief procurement officer for the state's Division of General Services.

"I was surprised by that," said Jones, who expected more competition on such a big high-tech phone job.

The project stirred some controversy in the Legislature last year. Then-Sen. Gretchen Guess, D-Anchorage, a former telecommunications company economist, opposed it during an appropriations debate, contending that the administration had defined the new technology too narrowly to draw wide interest.

DeWitt said in an interview that he had worked on the phone replacement project as a special assistant responsible for the Department of Administration. But he said he was not involved in the actual contract. He said he had studied the current ethics rules and advisories.

"I'm not running afoul of any of them," DeWitt said. "You have to have direct involvement in those issues, and I did not."

DeWitt was a longtime legislative aide before going to work for Murkowski's office. His other lobbying client this year is the National Federation of Independent Business, which is paying him a \$50,000 annual contract, according to APOC officer Tammy Kempton.

DeWitt declined to comment on the proposed changes to the executive ethics law.

Palin's proposal would appear to restrict officials such as Jardell and DeWitt in the future by making policymakers in the governor's office subject to a one-year delay in lobbying. The inclusion of legislative work among matters where state officials cannot switch sides for two years would also seem to restrict someone in Jardell's position.

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Reporter Tom Kizzia can be reached at [tkizzia@adn.com](mailto:tkizzia@adn.com).

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### **Proposed changes**

Among the changes in ethics law affecting lobbyists now being considered:

- **CURRENT LAW:** Two-year ban on work that duplicates certain work done for state, such as

contracts.

- **PALIN PROPOSAL:** Add work done on legislation or writing regulations to that list.
- **CURRENT LAW:** One-year ban on paid lobbying by ex-governor or department heads.
- **PALIN PROPOSAL:** Add department deputies and policymakers in governor's office.

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## Alaska State Legislature

### Select Committee on

#### Legislative Ethics

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December 4, 2006

#### ADVISORY OPINION 2006-03

**Subject: Conflict of Interest - Disclosures**

**RE: Do AS 24.60 require a former legislator to disclose matters relating to potential conflicts of interest that existed during the time the legislator was in office?**

You are a legislator and therefore covered by the Legislative Ethics Act. You have requested an advisory opinion concerning facts and circumstances that you have related. You have waived confidentiality. The committee relies on facts that you have described in answering your question.

#### Statement of Facts

Legislators are required by AS 24.60, the Legislative Ethics Act, to disclose matters relating to certain actual and potential conflicts of interest, within deadlines fixed by statute.<sup>1</sup> You have asked if disclosures under AS 24.60.105, 24.60.080(d), and 24.60.210, statutes which have a reporting date of March 15, 2007, must be filed by all legislators who held office in 2006 or only those legislators who are in office on March 15, 2007? Past practice has exempted former legislators, former legislative employees and former public members of the Select Committee on Legislative Ethics from filing requirements concerning the final reporting period of their tenure in office.

#### Discussion

Although nothing in the statutes cited in your request specifically exempts former legislators, former legislative employees, and former members of the select committee on legislative ethics from filing requirements, it has become the practice to exempt them from final reports due on March 15. AS 24.60.020(a) and (a)(1) (emphasis added) say:

*(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 the provision specifically states that it applies;*

This can be read to suggest that legislators and legislative employees are exempt from disclosure requirements the moment they become "former." However, the duty to disclose arises the moment the matter to be disclosed occurs, not on the final date a statute requires a report on the matter to be filed. The status of "former" is irrelevant in that respect. If a disclosable matter arises before a legislator,

legislative employee, or public member of the Select Committee on Legislative Ethics becomes "former," then it must be disclosed; if it arises after, then it need not be disclosed. Leaving office does not amount to an amnesty from ethics disclosure requirements -- if it did then there would be a period in every legislator's career where the legislator could disregard much of the code of legislative ethics, safe in the knowledge that, once the legislator makes it past the last day of office, he or she will be safe from ethics-based scrutiny. It could also lead to the resignation of legislators who, suddenly accused of not making a disclosure, could resign rather than disclose a conflict that may have long existed.

Additional support for a reading of AS 24.60.020(a) that does not exempt former legislators and former legislative employees from filing final reports by March 15 is found in AS 24.60.010 (emphasis added), which says:

The legislature finds that

- (1) high moral and ethical standards among public servants in the legislative branch of government are essential to assure the trust, respect, and confidence of the people of this state;
- (2) a fair and open government requires that legislators and legislative employees conduct the public's business in a manner that *preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest*;
- (3) the public's commitment to a part-time citizen legislature requires legislators be drawn from all parts of society and the best way to attract competent people is to acknowledge that they provide their time and energy to the state, often at substantial personal and financial sacrifice;
- (4) a part-time citizen legislature implies that legislators are expected and permitted to earn outside income and that the rules governing legislators' conduct *during and after leaving public service must be clear, fair, and as complete as possible; the rules, however, should not impose unreasonable or unnecessary burdens* that will discourage citizens from entering or staying in government service;
- (5) in order for the *rules governing conduct to be respected both during and after leaving public service*, the code must be administered fairly without bias or favoritism;
- (6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment;
- (7) compliance with a code of ethics is an individual responsibility; thus all who serve the legislature have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates;
- (8) the purpose of this chapter is to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter.

AS 24.60.010(2) notes the importance of avoiding even the *appearance* of a conflict of interest.

Although AS 24.60.010 discourages imposing unreasonable or unnecessary burdens that will discourage legislators from seeking or staying in office, AS 24.60.010(4) and 24.60.010(5) suggest that compliance with disclosure requirements after leaving office is part of being a legislator.

#### Conclusion

The committee finds that an appearance of a conflict of interest is too easily created when disclosure is

not required in the circumstances you have described, and actual conflicts become too easy to conceal.

All of the reporting requirements in the Legislative Ethics Act apply for each day a legislator is in office, and although there are deadlines for filing reports, a legislator may file a report as soon as a disclosable matter arises, before the reporting deadline. Therefore, and for the reasons stated above, the committee finds that, as to any disclosable matter that arises during the time a legislator is in office, the former legislator is still required to disclose under AS 24.60 as if the legislator were still in office; but, as to any matter that arises after a legislator leaves office, the former legislator is not required by AS 24.60 to make a disclosure.

because of prior practice contrary to this opinion, this opinion shall be applied prospectively -- to legislators, legislative employees, and public members of this committee. In this instance, a legislator leaving office on the third Tuesday of January, 2007, which is January 16, is subject to the March 15, 2007, disclosure deadline for any previously unreported matter or interest that began or was in existence between April 10, 2006 (which is the 30th day before the regular session ended in 2006) and December 31, 2006. The same legislator is subject to the March 15, 2008 disclosure deadline for any matter or interest that began or was in existence between January 1, 2007 and January 16, 2007; however, the report can be filed at any time between January 16, 2007 and March 15, 2008, and may be filed separately from, or as an addendum to, the report due March 15, 2007.<sup>2</sup>

Adopted by the Select Committee on Legislative Ethics on December 4, 2006.

Members present and concurring in this opinion were:

H. Conner Thomas, Chair  
Representative Bruce Weyhrauch  
Senator Hollis French  
Senator Ralph Seekins  
Herman G. Walker, public member  
Ann Rabinowitz, public member  
Dennis (Skip) Cook, public member  
Gary J. Turner, public member

Members dissenting from this opinion were: None.

Members absent were: Representative Les Gara

DCW:ljw:med  
06-329.ljw

<sup>1</sup> Among statutes with disclosure deadlines are: AS 24.60.030, 24.60.040, 24.60.050, 24.60.070, 24.60.080, 24.60.105, 24.60.200, and 24.60.210.

<sup>2</sup> AS 24.60.105(a):

(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 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. (Emphasis added)

AO 06-03 --

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*dtSearch 7 00 (7008)*

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STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 24, 2007

The Honorable John Harris  
Speaker of the House  
Alaska State Legislature  
State Capitol, Room 208  
Juneau, AK 99801-1182

Dear Speaker Harris:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to reports to the Alaska Public Offices Commission and relating to the Alaska Executive Branch Ethics Act.

This bill would (1) generally require candidates, groups, legislators, public officials, and others to submit required reports electronically to the Alaska Public Offices Commission; (2) require legislators and other public officials to make financial disclosures when they leave office; (3) require candidates, legislators, and other public officials to disclose information about services performed for compensation and about certain income, gifts, and other financial matters; (4) establish a presumption that an interest of less than \$5,000 in a business is an "insignificant" interest for purposes of the Alaska Executive Branch Ethics Act; (5) establish a presumption that gifts from a lobbyist to a public officer and the public officer's immediate family members are prohibited under the Alaska Executive Branch Ethics Act, unless the lobbyist is an immediate family member of the gift recipient; and (6) tighten certain restrictions on employment after leaving state service for purposes of the Alaska Executive Branch Ethics Act.

The public's confidence in its government and governmental officials is essential. This bill would foster the openness in government that I have advocated as one means to increase that confidence.

In preparing this bill, I have taken into consideration the advice and counsel of numerous individual Alaskans. The issues addressed by the provisions within this bill have largely been publicly discussed, and may even be addressed in other bills currently pending in the Legislature. For example, provisions to establish a

The Honorable John Harris  
January 24, 2007  
Page 2

presumption regarding "insignificant" interests were addressed in legislation last year that passed the Senate and moved all the way to the House Rules Committee.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in black ink that reads "Sarah Palin". The signature is written in a cursive, flowing style with a horizontal line at the end.

Sarah Palin  
Governor

**HB**

**109**

**SUBCOMM.**

**FILE #1**

**TITLE 11**

**TITLE 11.56 BRIBERY AND RELATED OFFENSES**

STATUTE CHANGE	HB 1	HB 6	HB 10	HB 20	HB 7	HB 37	HB 40	SB 13	SB 18	SB 63			
	Man	Harris	McCoy	Byrd	Dick	Harris	Gardner	Gary	Gary	Gov. Stevens	French	French	Bunde
AS 11.56.135 new section under 11.56 Criminal Law for "Improper legislative campaign contribution and agreement" and makes violation of the law by either a candidate or a contributor a Class B Felony.									SB 64				
						X							

**TITLE 11.56 BRIBERY AND RELATED OFFENSES**

**EXISTING STATUTE**

**HB 58 - Gara**

**EXPLANATION**

<p align="center">NONE</p>	<p>* Section 1. AS 11.56 is amended by adding a new section to article 1 to read:</p> <p><b>Sec. 11.56.135. Improper legislative campaign contribution and agreement.</b> (a) A person commits the crime of improper legislative campaign contribution and agreement if the person</p> <p>(1) explicitly agrees to make a campaign contribution to a member of the legislature or a candidate for the legislature, and makes that contribution, in exchange for an agreement by the legislator or the candidate to alter the legislator's or candidate's position on a legislative matter; or</p> <p>(2) as a member of the legislature or a candidate for the legislature, accepts a campaign contribution and explicitly agrees, in exchange for that contribution, to alter the legislator's or candidate's position on a legislative matter.</p> <p>(b) Improper legislative campaign contribution and agreement is a class B felony.</p> <p>* Sec. 2 The uncodified law of the State of Alaska is amended by adding a new section to read:</p> <p><b>APPLICABILITY.</b> This Act applies to offenses occurring on or after the effective date of this Act.</p>	<p>Bribery is based on a benefit being given to either party. Under AS 11.56.130, Definitions, political campaign contributions are not included as a benefit. HB 38 adds a new section to the bribery statute to include campaign contributions in the bribery statutes.</p> <p>The new offense would apply to offenses occurring on or after the effective date of AS 11.56.135 which is 90 days after the bill becomes law.</p>
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**HB**

**109**

**SUBCOMM.**

**FILE #2**

**TITLE 15**



**TITLE 15.13 STATE ELECTION CAMPAIGNS - AS 15.13.040(a)**

**EXISTING STATUTE**

**HB 20 - Harris**

**EXPLANATION**

<p><b>AS 15.13.040(a)</b> Except as provided in (g) and (i) of this section, each candidate shall make a full report, upon a form prescribed by the commission,</p> <p>(1) listing</p> <p>(A) the date and amount of all expenditures made by the candidate;</p> <p>(B) the total amount of all contributions, including all funds contributed by the candidate;</p> <p>(C) the name, address, date, and amount contributed by each contributor, and</p> <p>(D) for contributions in excess of \$250 in the aggregate during a calendar year, the principal occupation and employer of the contributor, and</p> <p>(2) filed in accordance with AS 15.13.110 and certified correct by the candidate or campaign treasurer.</p>	<p><b>AS 15.13.040(a)</b> <del>Each</del> [EXCEPT AS PROVIDED IN (g) AND (i) OF THIS SECTION, EACH] candidate shall make a full report, upon a form prescribed by the commission,</p> <p>(1) listing</p> <p>(A) the date and amount of all expenditures made by the candidate;</p> <p>(B) the total amount of all contributions, including all funds contributed by the candidate; and</p> <p>(C) the name, address, principal occupation, and employer of each contributor, the date, and amount of each contribution from [CONTRIBUTED BY] each contributor; AND</p> <p>(D) FOR CONTRIBUTIONS IN EXCESS OF \$250 IN THE AGGREGATE DURING A CALENDAR YEAR, THE PRINCIPAL OCCUPATION AND EMPLOYER OF THE CONTRIBUTOR, AND</p> <p>(2) filed in accordance with AS 15.13.110 and certified correct by the candidate or campaign treasurer.</p>	<p>Adds reporting requirement of principal occupation and employer information for contributor and specifies this is for each contribution of each contributor and repeals (D) because they now require the information for all contributions not just those over \$250. Amends (B) &amp; (C) from "the" to "each".</p>
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TITLE 15.13 STATE ELECTION CAMPAIGNS - AS 15.13.040(b)

HB 29 - Harris

EXISTING STATUTE

(b) Each group that make a full report upon a form prescribed by the commission, listing (7) the aggregate amount of all contributions made to it, and, for all contributors in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; for purposes of this paragraph, "contributor" means the true source of the funds, property, or services being contributed; and

\* Sec. 2, AS 15.13.040(b) is amended to read:

(b) Each group shall make a full report upon a form prescribed by the commission, listing (7) the aggregate amount of all contributions made to it; AND, FOR ALL CONTRIBUTIONS IN EXCESS OF \$100 IN THE AGGREGATE A YEAR, the name, address, principal occupation, and employer of each contributor, and the date and amount of each contribution from [CONTRIBUTED BY] each contributor; for purposes of this paragraph, "contributor" means the true source of the funds, property, or services being contributed; and

Requires full disclosure of all contributions regardless of the amount.

Collins Ann F  
Not a Party

ART



TITLE 15.13 STATE ELECTION CAMPAIGNS - AS 15.13.040(I)

EXISTING STATUTE

HB 20

SB 63

EXPLANATION

Harris

Bunde

<p>AS 15.13.040(i) (i) Notwithstanding (a), (b), and (j) of this section, for any fund-raising activity in which contributions are in amounts or values that do not exceed \$50 a person, the candidate, group, or nongroup entity shall report contributions and expenditures and supplying of services under this subsection as follows:</p> <p>(1) a report under this subsection must</p> <p>(A) describe the fund-raising activity;</p> <p>(B) include the number of persons making contributions and the total proceeds from the activity;</p> <p>(C) report all contributions made for the fund-raising activity that do not exceed \$50 a person in amount or value; if a contribution for the fund-raising activity exceeds \$50, the contribution shall be reported under (a), (b), and (j) of this section.</p> <p>(2) for purposes of this subsection,</p> <p>(A) "contribution" means a cash donation, a purchase such as the purchase of a ticket, the purchase of goods or services offered for sale at a fund-raising activity, or a donation of goods or services for the fund-raising activity;</p> <p>(B) "fund-raising activity" means an activity, event, or sale of goods undertaken by a candidate, group, or nongroup entity in which contributions are \$50 a person or less in amount or value.</p>	<p>Sec. 7 AS 15.13.040(g) and 15.13.040(i) are repealed.</p>	<p>Sec. 8 AS 15.13.040(g) and 15.13.040(i) are repealed.</p>	<p>AS 15.13.040(i) repealed exempt fundraisers</p>
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TAB 4 *deferred*

TITLE 15.13 STATE ELECTION CAMPAIGNS - AS 15.13.040(m)

EXISTING STATUTE

HB 109

EXPLANATION

Governor

<p>(m) The commission may request that the information required under this chapter be submitted electronically but shall accept any information required under this chapter that is typed in clear and legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission and that is filed with the commission.</p>	<p>(m) The commission <del>shall require</del> [MAY REQUEST] that the information required under this chapter be submitted electronically but <del>may, when extraordinary circumstances warrant an exception,</del> [SHALL] accept any information required under this chapter that is typed in clear and legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission and that is filed with the commission.</p>	<p>AS 15.13.040(m) requires mandatory electronic filing with APOC but allows APOC to allow exceptions in extraordinary circumstances.</p>
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*Changes may to shall*

*any*

*Coopier Object. - need to look at what a mandate does in AR.  
See in title 39*

TAB 5

**HB**

**109**

**SUBCOMM.**

**FILE #3**

**TITLE 24**

**(FILE 1)**

<p><b>AS 24.60.130(n)</b> Allows the chair of the committee or a subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the chair can only appoint the alternate if the regular member has a conflict with an item on the meeting agenda.</p>			<p>X</p>	<p>17</p>
<p><b>AS 24.60.150(a)</b> Puts current practice into statute by deleting the requirement that summaries of public decisions and advisory opinions be published on a semi-annual basis. Public decisions have been published annually since 1999 and advisory opinions have been published annually since 1995.</p>			<p>X</p>	<p>18</p>
<p><b>AS 24.60.155</b> Makes annual ethics classes mandatory for legislators, legislative employees, and public members of the committee. New legislators, legislative employees, and public members of the ethics committee would be required to get the training within 30 days of from the first day of service.</p>			<p>X</p>	<p>19</p>
<p><b>AS 24.60.160</b> Allows the ethics committee and APOC to request an advisory opinion. Requires the committee to purge advisory opinions to prevent the disclosure of the identity of the person requesting the opinion and any other persons named in the opinion. Clarifies person requesting the opinion can waive confidentiality.</p>			<p>X</p>	<p>20</p>

**AS 24.60.100** The purpose of this amendment is to prevent a legislator or legislative employee from being compensated by a client or constituent for representing them before a municipality or a legislative or executive branch agency, board, or commission. Such representation would fall within the boundaries of the legislator's or legislative employee's normal duties.

X

14

**AS 24.60.105(a)** Filing dates for ethics disclosures are very confusing. Some disclosures are required within 30 days of association at certain times of the year, some annually, and no disclosure are required during the timeframe of 30 days prior to the end of the session.

This amendment requires all disclosures to be filed within 30 days of the association or interest.

X

15

**AS 24.60.115** new law requires a former legislator, legislative employee or public member of the Select Committee on Legislative Ethics to file disclosure information for all matters relevant to when that person was a legislator, legislative employee or public member of the Select Committee on Legislative Ethics even though they no longer hold that position.

X

X  
Within  
90 days

X

16



**AS 24.60.050(c)** Deletes "written report" and replaces it with "disclosure" to make language consistent with other sections of statute.

Allows the committee to refrain from publishing disclosures that would be considered an invasion of the discloser's privacy. Currently a person who is a victim of violent crimes would have to disclose and the committee has determined they don't have the authority to withhold publication of the name.

Adds language requiring gift disclosures to be published in the journal along with other with other disclosures.

**AS 24.60.070(c)** Another amendment to the legislation prohibits a spouse or domestic partner of a legislator from lobbying eliminating the ability for a legislator to have close economic relationship

**AS 24.60.080(c)(7)** Special discounts are given to legislators and their staff to make the stay during session more affordable. An example is reduced rates at a local athletic club. This amendment adds the office of victims' rights to the list of legislative employees that do not qualify for the discounts

X

8

X

9

X

10



**TITLE 24.45 REGULATION OF LOBBYING - New Subsection AS 24.45.041**

**EXISTING STATUTE**

1361C.5 - Harris Bullard

**EXPLANATION**

<p><b>AS 24.45.041(b) Registration Form Criteria for Lobbyists</b></p> <p>AS 24.45.041(b) requires certain disclosure on the registration form to be completed by a lobbyist and includes in subsection (7) the identification of a legislator, legislative employee, or public official to whom a lobbyist is related or who is the domestic partner of the lobbyist.</p>	<p><b>Sec. 1.</b> Deletes the word [LEGISLATOR] from subsection (7)</p>			<p>The amendment on Tab #2 prohibits a spouse or domestic partner of a legislator from lobbying eliminating the requirement to report the relationship to a legislator.</p>
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**TAB 1**

**TITLE 24.45 REGULATION OF LOBBYING - New subsection AS 24.45.121**

EXISTING STATUTE	HB 20 - Harris	136C.5 - Harris/Bullard	10591A.1 Thomas/Cook	EXPLANATION
<p><b>Sec. 24.45.121, Prohibitions</b></p> <p>Existing language does not have restrictions for spouses or domestic partners of legislators to be paid lobbyists.</p>	<p><b>Sec. 4. AS 24.45.121</b> is amended by adding a new subsection to read:</p> <p>(d) A person who is married to or who is the domestic partner of a legislator may not receive any consideration for engaging in lobbying, and a person may not employ for pay or any consideration of pay or agree to pay consideration for engaging in lobbying to a person who is married to or who is the domestic partner of a legislator.</p>	<p><b>Sec. 2. AS 24.45.121</b> is amending the section by adding a new subsection to read:</p> <p>(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 24.45.181 or a recreational lobbyist as defined under regulations of the commission.</p>	<p>Sec. 2. is amending AS 24.45.121 by adding a new subsection to read:</p> <p>(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 24.45.181 or a recreational lobbyist as defined under regulations of the commission.</p>	<p>This new section of law would prohibit a spouse or domestic partner from engaging in lobbying and would prohibit a person from utilizing the services of a spouse or domestic partner as a lobbyist.</p>

*TAB 2 deferred next meeting*

**TITLE 24.60 STANDARDS OF CONDUCT - AS 24.60.020**

EXISTING STATUTE	HB 10 - Lynn	SB 20 - Franch	S29A Ethics - Harris/ Wayne	EXPLANATION
<p><b>Applicability of Chapter Sec. 24.60.020</b></p> <p>...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 the provision specifically states that it applies;</p>	<p><b>Sec. 1. AS 24.60.020</b> ...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;</p>	<p><b>Sec. 1. AS 24.60.020</b> is amended to read:</p> <p>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.</p>	<p><b>AS 24.60.020(a)(1)</b> 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.</p>	<p>Language clean up to clarify that this subsection applies to Chapter 60, Standards of Conduct.</p>

TAB 3

TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.030(a)

EXISTING STATUTE	S291A Ethics - Harris/ Wayne			EXPLANATION
<p>AS 24.60.030(a)(2)(K) ... this paragraph does not prohibit</p> <p>(K) a legislator from sending any communication in the form of a newsletter to the legislator's constituents, 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</p>	<p>AS 24.60.030(a)(K) ... this paragraph does not prohibit</p> <p>(K) a legislator from sending any communication in the form of a newsletter to the legislator's constituents, <u>unless</u></p> <p><u>L the communication is sent during the 30-day period immediately preceding a state election, or</u></p> <p><u>M M 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</u></p>			<p>This would prohibit the mailing of a legislative newsletter 30 days prior to an election.</p> <p><i>Prim or general</i></p>

TAB 4

TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.030(a)

EXISTING STATUTE	S29A Ethics - Harris/ Wayne			EXPLANATION
<p>AS 24.60.030(a)(7)(L) ... this paragraph does not prohibit</p> <p>(L) full participation in a charity event approved in advance by the Alaska Legislative Council.</p>	<p>AS 24.60.030(a)(7)(L) ... this paragraph does not prohibit</p> <p>(L) full participation in a charity event approved in advance by the Select Committee on Legislative Ethics [ALASKA LEGISLATIVE COUNCIL].</p>			<p>This is language clean up for changes recommended by the Ethics Committee to transfer the sanctioning of charity events from the Alaska Legislative Council to the Select Committee on Legislative Ethics. See AS 24.60.000(c)(10) Gifts</p>

TAB 5

*Coghill believes  
Auth. in leg. Council  
should  
be  
leg. should be in discussion*

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.030(a)

EXISTING STATUTE

HB 20 - Harris

EXPLANATION

<p><b>Sec. 24.60.030(a)</b> Prohibitions related to conflicts of interest and unethical conduct.</p> <p>This subsection provides a list of things a legislator or an employee of a legislator cannot do such as solicit unofficial compensation, using public facilities for official purposes or, require a legislative employee to perform services for the private benefit of the legislator or employee, use public funds or facilities for campaign purposes, etc.</p> <p>AS 24.60.030 currently does not have a subsection (a)(6).</p>	<p>Sec. 4. AS 24.60.030(a) is amended to read:</p> <p>(a) A legislator or legislative employee may not</p> <p><u>(6) enter into a contract to provide consulting services.</u></p> <p><i>See worksheet for info this part</i></p>			<p>Adds an additional restriction to Prohibitions related to conflicts of interest and unethical conduct prohibiting a legislator or legislative employee from entering into a consulting contract.</p>
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TAB 1

*per coghill*

*Other way to deal w/ it*

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.030(f)

EXISTING STATUTE	S29A Ethics-HarrisWayne	EXPLANATION
<p><b>AS 24.60.030(f)</b></p> <p>(f) A legislative employee may not serve in a position that requires confirmation by the legislature. A legislator or legislative employee may serve on a board of an organization, including a government entity, 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 legislator or legislative employee who is required to make a disclosure under this subsection shall file the disclosure with the committee by the deadlines set out in AS 24.60.105 stating the name of each organization on whose board the person serves. The committee shall maintain a public record of the disclosure and forward the disclosure to the appropriate house for inclusion in the journal. This subsection does not require a legislator or legislative employee who is appointed to a board by the presiding officer to make a disclosure of the appointment to the committee if the appointment has been published in the appropriate legislative journal during the calendar year.</p>	<p><b>AS 24.60.030(f)</b></p> <p>(f) A legislative employee may not serve in a position that requires confirmation by the legislature. A legislator or legislative employee <u>who serves</u> [MAY SERVE] on a board of an organization, including a government entity, <u>shall disclose</u> [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. <u>A person</u> [A LEGISLATOR OR A LEGISLATIVE EMPLOYEE WHO IS] required to make a disclosure under this subsection shall file the disclosure with the committee by the deadline [DEADLINES] set out in AS 24.60.105 stating the name of each organization on whose board the person serves. The committee shall maintain a public record of the disclosure and forward the disclosure to the appropriate house for inclusion in the journal. This subsection does not require a legislator or legislative employee who is appointed to a board by the presiding officer to make a disclosure of the appointment to the committee if the appointment has been published in the appropriate legislative journal during the calendar year.</p>	<p>Eliminates the subjective language for filing requirements for ethics disclosures and makes the filing inclusive, the same standard as APOC.</p> <p>Disclosures are on the Ethics website for public view.</p>

TAB \*

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.6. 50(c)

EXISTING STATUTE

529A Ethics-HarrisWayne

EXPLANATION

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 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 within three weeks after the filing date. A legislator or legislative employee 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 the disclosure confidential. If the committee finds that publication would constitute an invasion of privacy, the committee shall publish only the fact that a person has participated in the program and the amount of benefit that the unnamed person received. The committee shall maintain the disclosure of the name of the person as confidential and may only use the disclosure in a proceeding under AS 24.60.170. If the disclosure becomes part of the record of a proceeding under AS 24.60.170, the disclosure may be made public as provided in that section.

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]. [E.g. (A) legislator or legislative employee shall (WHO BELIEVES THAT DISCLOSURE OF PARTICIPATION IN A PROGRAM WOULD BE AN INVASION OF THE PARTICIPANT'S RIGHT TO PRIVACY UNDER THE STATE CONSTITUTION MAY REQUEST) the committee to keep any part of the disclosure confidential and a quorum of the committee determines that making the entire disclosure public would cause an unjustifiable invasion of personal privacy, the committee may elect to ] IF THE COMMITTEE FINDS THAT PUBLICATION WOULD CONSTITUTE AN INVASION OF PRIVACY, THE COMMITTEE SHALL] publish only the fact that a person has participated in the program and the amount of benefit that the unnamed person received. The committee shall maintain the disclosure of the name of the person as confidential and may only use the disclosure in a proceeding under AS 24.60.170. If the disclosure becomes part of the record of a proceeding under AS 24.60.170, the disclosure may be made public as provided in that

Replaces the "written report" with "disclosure" to make language consistent with other sections of the statutes.

Allows the committee to refrain from publishing disclosures that would be considered an invasion of the discloser's privacy.

Currently a person who is a participant of the Violent Crimes Compensation program would have to disclose and the committee has determined they don't have the authority to withhold publication of a name.

Adds language requiring gift disclosures to be published in the journal along with other with other disclosures.

**TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.070**

EXISTING STATUTE	139C.6 - Harris/Bullard	1059A.1 Thomas/Cook		EXPLANATION
<p>AS 24.60.070(c) requires disclosure of close economic association a spouse or domestic partner of a legislator or legislative employee who is a lobbyist.</p>	<p>AS 24.60.070(c) Deletes the reference to [LEGISLATOR] in this subsection.</p>	<p>AS 24.60.070(c) Deletes the reference to [LEGISLATOR] in this subsection.</p>		<p>Another amendment to the legislation prohibits a spouse or domestic partner of a legislator from lobbying, eliminating the ability for a legislator to have close economic relationship.</p>

**TAB 9**

TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.080(c)

EXISTING STATUTE	529A Ethics-HarrisWayne	EXPLANATION
<p><i>Tab 10a</i></p> <p>AS 24.60.080(c)(7) a discount for all or part of a legislative session, including time immediately preceding or following the session, or other gift to welcome a legislator or legislative employee who is employed on the personal staff of a legislator or by a standing or special committee to the capital city or in recognition of the beginning of a legislative session if the gift or discount is available generally to all legislators and the personal staff of legislators and staff of standing and special committees; this paragraph does not apply to legislative employees who are employed by the Legislative Affairs Agency, the office of the chief clerk, the office of the senate secretary, the legislative budget and audit committee, or the office of the ombudsman;</p>	<p>AS 24.60.080(c)(7) a discount for all or part of a legislative session, including time immediately preceding or following the session, or other gift to welcome a legislator or legislative employee who is employed on the personal staff of a legislator or by a standing or special committee to the capital city or in recognition of the beginning of a legislative session if the gift or discount is available generally to all legislators and the personal staff of legislators and staff of standing and special committees; this paragraph does not apply to legislative employees who are employed by the Legislative Affairs Agency, the office of the chief clerk, the office of the senate secretary, the legislative budget and audit committee, <u>the office of victims' rights</u>, or the office of the ombudsman;</p>	<p>Special discounts are given to legislators and their staff to make the stay during session more affordable. An example is reduced rates at a local athletic club. This amendment adds the office of victims' rights to the list of legislative employees that do not qualify for the discounts.</p>

EXISTING STATUTE	529A Ethics-HarrisWayne	EXPLANATION
<p><i>Tab 10b</i></p> <p>AS 24.60.080(c)(10) tickets from a lobbyist for a charity event at any time, including during a legislative session, except that tickets to or gifts received at a charity event under this paragraph are subject to the calendar year limit on the value of gifts received by a legislator or legislative employee in (a) of this section; in this paragraph, "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in advance; the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services involved in the charity event; or</p>	<p>AS 24.60.080(c)(10) tickets from a lobbyist for a charity event at any time, including during a legislative session, except that tickets to or gifts received at a charity event under this paragraph are subject to the calendar year limit on the value of gifts received by a legislator or legislative employee in (a) of this section; in this paragraph, "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the <u>Select Committee on Legislative Ethics</u> (ALASKA LEGISLATIVE COUNCIL) has approved in advance; the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services involved in the charity event; or</p>	<p>This is language recommended by the Ethics Committee to transfer the sanctioning of charity events from the Alaska Legislative Council to the Select Committee on Legislative Ethics. The committee believes this will allow oversight from one area and provide consistency of information provided by Ethics and APOC.</p>

TAB 10 make tab 10a Tab 10b

TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.080(d)

EXISTING STATUTE	5291A Ethics-HarrisWayne	EXPLANATION
<p>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) and (8) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4) 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.</p>	<p>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), <del>(c)(6), and (1)</del> and (8) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4), <del>(c)(6), and (1)</del> 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.</p>	<p>Adds gifts received by family members to the disclosures that are maintained for public record and forwarded to APOC.</p>

TAB 11 *Deferred* *Greenberg*

**TITLE 24.60 STANDARDS OF CONDUCT - AMENDING AS 24.60.080(e)**

EXISTING STATUTE	HB 20 - Harris	SB 20 - French	EXPLANATION
<p><b>Sec. 24.60.080(e) Gifts</b></p> <p>(e) A political contribution is not a gift under this section if it is reported under AS 15.13.040 or is exempt from the reporting requirement under AS 15.13.040(g). The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to the legislator under this section.</p>	<p>Sec. 6 AS 24.60.080(e) is amended to read:</p> <p>(e) A political contribution is not a gift under this section if it is reported under AS 15.13.040 [OR IS EXEMPT FROM THE REPORTING REQUIREMENT UNDER AS 15.13.040(g)]. The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to the legislator under this section.</p>	<p>Sec. 4. AS 24.60.080(e) is amended to read:</p> <p>(e) A political contribution is not a gift under this section if it is reported under AS 15.13.040 [OR IS EXEMPT FROM THE REPORTING REQUIREMENT UNDER AS 15.13.040(g)]. The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to the legislator under this section.</p>	<p>Eliminates an exemption for a candidate who does not intend to raise more than \$5,000 in his campaign or expend more than \$5,000 in his campaign. All candidates will be required to report gifts per statute.</p>

12/2

EXISTING STATUTE	529A Ethics-Harris\Wayne	EXPLANATION
<p><b>AS 24.60.080(i)</b> 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 report the receipt of the gift by the family member to the committee if the gift would have to be 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.</p>	<p><b>AS 24.60.080(i)</b> 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 <u>disclose for publication under (d) of this section</u> [REPORT] the receipt of the gift by the family member to the committee if the gift would have to be <u>disclosed</u> [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.</p>	<p>This language puts disclosures on notice that they must disclose gifts of family members' and the disclosure will be published</p>

12/6

Greater  
want to  
pick up that  
language

in file  
11/16/1

TAB 12

tab 12a

tab 12 b deferred



TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.100

EXISTING STATUTE

1361C.5 - Harris/Bullard

EXPLANATION

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

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

The purpose of this amendment is to prevent a legislator or legislative employee from being compensated by a client or constituent for representing them before a municipality or a legislative or executive branch agency, board, or commission. Such representation would fall within the boundaries of the legislator's or legislative employee's normal duties.

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.105

EXISTING STATUTE

1361C.5 - Harris/Wayne

EXPLANATION

<p>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 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.</p>	<p>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 <u>deadline for filing disclosure shall be 30 days</u>[DEADLINE 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.</p>	<p>Filing dates for ethics disclosures are very confusing. Some disclosures are required within 30 days of association at certain times of the year, some annually, and no disclosure are required during the timeframe of 30 days prior to the end of the session.</p> <p>This amendment requires all disclosures to be filed within 30 days of the association or interest.</p>
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TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.130(n)

EXISTING STATUTE

529A Ethics-HarrisWayne

EXPLANATION

<p>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 disqualified under (h) of this section from serving on the committee or the subcommittee concerning a proceeding under AS 24.60.170, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member in the proceeding unless the alternate is also disqualified from serving. The designation shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.</p>	<p>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. <u>If a regular legislative member of the committee or a subcommittee is unable to attend a meeting, the chair of the committee or a subcommittee shall designate the regular member's alternate to serve in place of the regular member at the meeting and the designated alternate shall serve unless unable to serve for any reason.</u> 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 <u>or if the regular member is unable to attend,</u> 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.</p>	<p>Allows the chair of the committee or a subcommittee to designate the alternate legislative member to attend a meeting if the regular member is unable to attend. Currently the chair can only appoint the alternate if the regular member has a conflict with an item on the meeting agenda.</p>
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TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.150(a)

EXISTING STATUTE	§291A Ethics-Harris/Wayne	EXPLANATION
<p>AS 24.60.150(a) Duties of the committee.</p> <p>(a) The committee shall</p> <p>(1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;</p> <p>(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.</p>	<p>AS 24.60.150(a) Duties of the committee.</p> <p>(a) The committee shall</p> <p>(1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;</p> <p>(2) <u>publish advisory opinions annually;</u></p> <p>(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.</p> <p>(4) <u>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;</u></p> <p>(5) <u>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.</u></p>	<p>Puts current practice into statute by deleting the requirement that summaries of public decisions and advisory opinions be published on a semi-annual basis. Public decisions have been published annually since 1990 and advisory opinions have been published annually since 1995.</p> <p><i>old members' comments here get from tape</i></p>

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.155

EXISTING STATUTE

529VA Ethics-HarrisWayne

EXPLANATION

<p>NONE</p>	<p>AS 24.60.155 is amended by adding a new section to read:</p> <p><b>Sec. 24.60.155. Ethics course.</b> 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) at some time after the last day of each regular legislative session and before the 10th day of the next regular legislative session. However, a person who first takes office or begins employment after the 10th day of a regular legislative session 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.</p>	<p>Makes annual ethics classes mandatory for legislators, legislative employees, and public members of the committee. Now legislators, legislative employees, and public members of the ethics committee would be required to get the training within 30 days of the first day of service.</p>
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*deferred*

FEB 19

TITLE 24.80 STANDARDS OF CONDUCT - Amending AS 24.80.160

EXISTING STATUTE	529A Ethics-HarrietWayne	EXPLANATION
<p><b>Sec. 24.80.160. Advisory opinions.</b></p> <p>(a) On the request of a person to whom this chapter applies or who has been newly elected to the legislature, the committee shall issue an advisory opinion within 60 days as to whether the facts and circumstances of a particular case constitute a violation of ethical standards. If it finds that it is advisable to do so, the committee may issue an opinion under this section on the request of a person who reasonably expects to become subject to this chapter within the next 45 days. The 60-day period for issuing an opinion may be extended by the committee if the person requesting the opinion consents.</p> <p>(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. Except as provided in this chapter, an advisory opinion is confidential but shall be made public if a written request by the person who requested the opinion is filed with the committee.</p>	<p><b>Sec. 24.80.160. Advisory opinions</b></p> <p>(a) On the request of <u>the committee, the Alaska Public Offices Commission</u>, a person to whom this chapter applies, or <u>a person</u> 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.</p> <p>(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. <u>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.]</u></p>	<p>Extends the authority to request an advisory opinion to the ethics committee and APOC.</p> <p>Required the committee to make deletions to advisory opinions that prevent the disclosure of the identity of the person requesting the opinion and any other persons named in the opinion.</p> <p>Clarifies that advisory opinions are confidential unless the person requesting the opinion waives confidentiality.</p>

*Per Corfield  
in my time we extend  
the authority (facies  
disney from legislature  
[Confidentiality?] He  
has a problem with it*

*The tab is now yellow* 

**HB**

**109**

**SUBCOMM.**

**FILE #4**

**TITLE 24**

**(FILE 2)**

# SUBJECT MATRIX OF ETHICS LEGISLATION - TITLE 24

STATUTORY CHANGE	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021				
<p><b>AS 24.60.170(j)</b> This amendment grants authority to the committee to approve the change date of a hearing. Currently, if a complainant exercises his authority to change the date of a public hearing and requests a six-month extension, the committee cannot extend the hearing for more than 90 days. In addition, the committee may need to extend a hearing beyond the 90-day limit because they lacked a quorum.</p>																							X	21		
<p><b>AS 24.60.176(b)</b> Adds to the list of "appointing authority" the victims' advocate for employees of the office of victims' rights and the legislature for the victims' advocate.</p>																								X	22	
<p><b>AS 24.60.200</b> expands reporting of income in excess of \$1,000 to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws.</p>				X			X																		X	23
<p><b>AS 24.60.210(a) &amp; (b)</b> Requires former legislators, public members of Ethics Committee, &amp; legislative directors to submit financial disclosures to APOC within 90 days after leaving those positions.</p>																									X	24

<p><b>AS 24.60.210(c)</b> new subsection makes electronic reporting of Annual Reports to APOC mandatory except in extraordinary circumstances, which would have to comply with APOC requirements.</p>															25
<p><b>AS 24.60.250(c)</b> Adds language to address who will be notified if the director of the office of victim's rights fails to file an annual financial report.</p>													X		26
<p><b>AS 24.60.990(a)</b> adds definition for "professional license" to mean a license required for a profession regulated by the federal government or a state.</p>														X	27
<p><b>UNCODIFIED LAW</b> - Creates an applicability of disclosure of former legislators, legislative staff, and public members of the committee to April 9, 2006. HB 10 made this applicability for legislators only.</p>		X											X		28
<p>The intent is to be sure a legislator has the qualifications to, in good faith, perform the personal services promised to a client in a contract.</p>													X		29

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.170(j)

EXISTING STATUTE	5291A Ethics-HarrisWayne	EXPLANATION
<p>AS 24.60.170(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide and has not provided legal advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless the person agrees to a later hearing date. At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence, but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded, and evidence shall be maintained.</p>	<p>AS 24.60.170(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide <u>other</u> (AND) and has not provided legal advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless <u>the committee schedules</u> [THE PERSON AGREES TO] a later hearing date. <u>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.</u> 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.</p>	<p>This amendment grants authority to the committee to approve the change date of a hearing. Currently, if a complainant exercises his authority to change the date of a public hearing and requests a six-month extension, the committee cannot extend the hearing for more than 90 days. In addition, the committee may need to extend the hearing beyond the 90 day limit because they lacked a quorum.</p>

TAB 21 *deferred*

**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.176(b)**

**EXISTING STATUTE**

5291A Ethics-HarrisWayno

**EXPLANATION**

<p><b>AS 24.60.176(b)</b> In this section, "appointing authority" means</p> <p>(1) the legislative council for employees of the Legislative Affairs Agency and of the legislative council and for legislative employees not otherwise covered under this subsection;</p> <p>through</p> <p>(7) the legislature for the ombudsman.</p>	<p><b>AS 24.60.176(b)</b> In this section, "appointing authority" means</p> <p><u>(8) the victims' advocate for employees of the office of victims' rights, other the victims' advocate;</u></p> <p><u>(9) the legislature for the victims' advocate.</u></p>	<p>Adds to the list of "appointing authority" the victims' advocate for employees of the office of victims' rights and the legislature for the victims' advocate.</p>
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TITLE 24.60 STANDARDS OF CONDUCT - Amendment AS 24.60.200

HB 10 - Lynn

HB 27 - Gardner

SB 20 - French

HB 109 - Governor

<p>AS 24.60.200. <i>Financial disclosure by legislators, public members of the committee, and legislative directors.</i></p> <p>AS 24.60.200(2) existing language.</p> <p>(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 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 income received from the source shall be disclosed;</p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to a dividend received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with a description sufficient to make clear to a person of ordinary understanding the specific services performed unless and only to the extent those services are required to be kept confidential under a state or federal law, including the common law;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [ IF THE SOURCE OF INCOME 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 INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to a dividend received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with a description sufficient to make clear to a person of ordinary understanding the specific services performed, unless those services require the issuance of a state or federal professional license;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [ 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 INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, <u>and as to dividend in excess of \$1,000 received from a limited liability company as compensation for personal services</u>, the name and address of the source of the income, and a statement describing</p> <p><u>(A) the nature of the services performed with sufficient description to make clear to a person of ordinary understanding the specific services performed;</u></p> <p><u>(B) the approximate total number of hours that have been spent or will be spent performing the services; and</u></p> <p><u>(C) the amount of income received from the source if the [ 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 INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED];</u></p>	<p>(2) as to income in excess of \$1,000 received as compensation for personal services, name and address of the source of the income, <u>the amount of the income, the number of hours of services performed to earn that income</u>, and a statement describing <u>in detail</u> 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 INCOME RECEIVED FROM THE SOURCE SHALL BE DISCLOSED.)</p>
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**EXPLANATION:** AS 24.60.200(2) expands reporting of income in excess of \$1,000 of discloser, the discloser's spouse or domestic partner, dependent children, and nondependent children who live with discloser to include dividends received from a LLC as compensation for personal services and requires the disclosure to include a description of services performed and the approximate number of hours spent performing services. Exceptions to comply with state and federal laws.

TAB 23 *deferred*

**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.210(a) - (b)**

**EXISTING STATUTE**

**HB 109 - Governor**

**EXPLANATION**

<p>Sec. 24.60.210. Deadlines for filing of disclosure statements. (a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year.</p> <p>(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, on or before the second Monday in January of each year.</p>	<p>Sec. 24.60.210. Deadlines for filing of disclosure statements. (a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year. <u>On or before the 90th day after ending service as a legislator or legislative director, a former legislator or legislative director shall file with the Alaska Public Offices Commission a report containing the disclosure required by AS 24.60.200, covering any period that service for which the legislator or legislative director has not already filed a report.</u></p> <p>(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, on or before the second Monday in January of each year. <u>On or before the 90th day after ending service on the committee, a former public member of the committee shall file with the Alaska Public Offices Commission a report containing the disclosure required by AS 24.60.200, covering any period that service for which the legislator or legislative director has not already filed a report.</u></p>	<p>24.60.210(a) places a deadline on when a legislator or legislative director who leaves service must report all unreported disclosures required by AS 24.60.200.</p> <p>AS 24.60.210(B) places a deadline on when an ethics committee member who leaves service must report all unreported disclosures required by AS 24.60.200.</p>
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TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.210 with new subsection (c)

EXISTING STATUTE

HB 109 - Governor

EXPLANATION

NONE	<p>Sec. 4. AS 24.60.210 is amended by adding a new subsection to read:</p> <p>(c) The Alaska Public Offices Commission shall require that the reports required under this section be submitted electronically but may, when extraordinary circumstances warrant an exception, accept any information required under this section that is typed in clear legible black typeface or hand-printed in dark ink on paper in a format approved by the commission or on forms provided by the commission and that is filed with the commission.</p>	Makes electronic filing of disclosure statements mandatory
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*Classified  
Objects*

TAB 25

**TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.250(c)**

EXISTING STATUTE	529VA Ethics-HarrisWayne	EXPLANATION
<p><b>AS 24.60.250(c)</b> 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, the Alaska Legislative Council shall be notified.</p>	<p><b>AS 24.60.250(c)</b> 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 <u>and the office of victims' rights</u>, the Alaska Legislative Council shall be notified.</p>	<p>Adds language to address who will be notified if the director of the office of victim's rights fails to file an annual financial report.</p>

TITLE 24.60 STANDARDS OF CONDUCT - Amending AS 24.60.990 New Definition

EXISTING STATUTE

HB 27 - Gardner

EXPLANATION

<p>NONE</p>	<p>Sec. 2. AS 24.60.990(a) is amended by adding a new paragraph to read:  (17) "professional license" means a license required for a profession regulated by the federal government or by a state.</p>	<p>This accomplishes the same goal as Rep. Lynn's HB 10 subsection (A) which stated a person must disclose services unless <i>those services are required to be kept confidential under a state or federal law, including the common law.</i></p> <p>Rep. Gardner requires disclosure of services unless those services require a professional license issued by the state or federal government. The question is, are there professional licenses that would not require confidentiality by the state or federal government? In addition there may be services that don't require a license but are protected by the state or federal government for confidentiality.</p>
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refer back  
to tal 23

TAB 27

**TITLE 24.60 STANDARDS OF CONDUCT - UNCODIFIED APPLICABILITY**

EXISTING STATUTE	HB 10 - Lynn	136C.5 - Harris/Bullard	EXPLANATION
<p align="center">UNCODIFIED</p>	<p>Sec. 5. The uncodified law of the State of Alaska is amended by adding a new section to read</p> <p>APPLICABILITY. (a) Sections 1 and 3 of this Act apply to all persons who become former legislators on or after the effective date of this Act and to all former legislators who were members of the legislature between April 9, 2006, and the effective date of this Act.</p> <p>(b) Former legislators who were members of the legislature between April 9, 2006, and the effective date of this Act shall make the disclosure required by AS 24.60.115, added by sec. 3 of this Act, within 30 days after the effective date of this Act.</p>	<p>Section 7. The uncodified law of the State of Alaska is amended by adding a new section to read:</p> <p>TRANSITION. A person who is not a legislator, legislative employee, or public member of the Select Committee on Legislative Ethics on the effective date of this Act but who served as a legislator, legislative employee, or public member of the Select Committee on Legislative Ethics between April 9, 2006, and the effective date of this Act shall make the disclosure required by AS 24.60.115, added by sec. 6 of this Act, within 90 days after the effective date.</p>	<p>Creates an applicability of disclosure of former legislators, legislative staff, and public members of the committee to April 9, 2006. Rep Lynn had this requirement for legislators in HB 10, but his language did not include legislative employees, nor public members of the ethics committee.</p>

*Grubberg thought  
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 Cox State heard  
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 it from Grubberg*

*Rises object  
 due to  
 retroactive*

TITLE 24.45 REGU' ATION OF LOBBYING - AMEND AS 24.60.085

EXISTING STATUTE	136C.9 - Harris Bullard	136C.5 - Harris/Bullard	EXPLANATION
NONE	<p>Sec. 7. AS 24.60.085 is amended by adding a new subsection to read:</p> <p>(c) A legislator may not seek or accept compensation for personal services or performing a contract if the services or programs are outside the cope of the ordinary course of the legislator's previous employment, practice, or experience.</p>		<p>The intent is to be sure a legislator has the qualifications to, in good faith, perform the personal services promised to a client in a contract.</p>

*Gardner  
Connected to  
Tab 13*

*Will be  
laced  
into tab 13*

**HB**

**109**

**SUBCOMM.**

**FILE #5**

**TITLE 39**

SUBJECT MATRIX OF ETHICS LEGISLATION - TITLE 39

Title	1	2	3	4	5	6	7	8	9	
39 50 020 Would require the governor, high-ranking executive branch officials, judges and other judicial officers, and certain municipal officers to file a financial disclosure report with APOC within 90 days of leaving service.		X							X	1
39 50 030(b) Requires financial disclosure of income and interest, and stock holdings, trust or similar interests, loans, loan guarantees, and indebtedness exceeding \$1,000, a reduction from \$5,000. And required more detail in financial disclosures.		X							X	2, 3, 4, 5
39 50 040 Makes changes to the Blind Trust Statute to clarify the information available to the trustee and allowable investments						X				6
39 50 050(a) Conforms section for APOC administration and inspection to comply with mandatory electronic filing.										7
39 52 110(b) amends Executive Branch Ethics Act to draw a bright line for interest in and ownership of a business of not more than one percent or \$5,000. cannot be a member of the board or have a contract or an option for a contract with a business. cannot employed by the business.	X			X						8 A-B

<p>§9.52.110(d) New subsection to "Scope of Code" clarifies stock or ownership interest in a business is presumptively insignificant if the value of the interest is less than \$5,000.</p>		X							9
<p>§9.52.130(a) establishes an assumption that all gifts from a lobbyist to a public officer, or a member of the officer's immediate family, are improper unless the lobbyist is an immediate family member of the gift's recipient.</p>		X							9
<p>§9.52.180(a) Makes limitations for post-employment by public officials covered under the Executive Branch Ethics Act more restrictive by precluding former public officials from working on particular legislation or regulations for two-years after leaving state service if they personally and substantially participated in work on the same legislation or regulations during their state service.</p>		X							10
<p>§ 2.180(d) Extends the existing one-year ban on lobbying on certain public officials to include deputy heads of principal departments and those holding policy-making positions in the Office of the Governor, lieutenant governor, and heads of principal departments.</p>		X			X				11
<p>§9.52.180(e) Adds restrictions on employment after service for a department head. Prohibits department heads and Governor Office employees from serving on certain boards.</p>					X				12

39 52.258 Disclosures required before governor grants clemency						X			13
39 52.060(14) amends definition for "official action" broadening it to include performance of any duties in the course and scope of a public official's employment review, advice, participation and assistance in making a recommendation, decision, approval, disapproval, vote other similar action, including, inaction, by a public officer regarding a matter that could have an effect on the financial interests of that public officer.			X					X	14
39 90.020 clarifies what is included within the purview of the nepotism prohibition in state law							X		15
UNCODIFIED LAW - Applicability of restrictions for one-year ban on lobbying and the two-year restriction for working on legislation or regulations to those leaving service on or after the effective date of the law		X							16
EFFECTIVE DATE of mandatory electronic filing of APOC reports is July 1, 2007		X							16
EFFECTIVE DATE of all other provisions of Governor's Bill would be immediate.		X							16

**TITLE 39.50 PUBLIC OFFICIAL FINANCIAL DISCLOSURE - Amend AS 39.50.020(a)**

EXISTING STATUTE	HB 109 - DISCLOSURES & ETHICS - GOV	GRUENBERG AMENDMENT	EXPLANATION
<p><b>AS 39.50.020, Report of financial and business interests.</b></p> <p>(a) A public official other than the governor or the lieutenant governor shall file a statement giving income sources and business interests, under oath and on penalty of perjury, within 30 days after taking office as a public official. A statement shall also be filed by public officials no later than March 15 in each following year. Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.</p>	<p><b>Sec. 5. Sec. 39.50.020. Report of financial and business interests.</b></p> <p>A statement shall also be filed by public officials no later than March 15 in each following year. <u>On or before the 90th day after leaving office, a former public official shall file a statement covering any period during the official's service in that office for which the public official has not already filed a statement.</u> Persons who are members of boards or commissions not named in AS 39.50.200(b) are not required to file financial statements.</p>	<p>Page 4, Line 10</p> <p>Insert: "final" before "statement"</p>	<p>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.</p> <p>Clarification to include former public officials and former municipal officers in provision dealing with where to file disclosure statements.</p>

**TAB 1**

**TITLE 39.50 PUBLIC OFFICIAL FINANCIAL DISCLOSURE - Amend AS 39.50.020(b)**

EXISTING STATUTE	HB 109 - DISCLOSURES & ETHICS - GOV	EXPLANATION
<p>(b) A public official other than an elected or appointed municipal officer shall file the statement with the Alaska Public Offices Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or 15.25.180. Municipal officers, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.</p>	<p>(b) A public official <u>or former public official</u> other than an elected or appointed municipal officer shall file the statement with the Alaska Public Office Commission. Candidates for the office of governor and lieutenant governor and, if the candidate is not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or 15.25.180. Municipal officers, <u>former municipal officers</u>, and candidates for elective municipal office, shall file with the municipal clerk or other municipal official designated to receive their filing for office. All statements required to be filed under this chapter are public records.</p>	<p>Applies to public officials and candidates.</p> <p>Technical amendment to bring subsection (b) into conformity with proposed changes to subsection (a). Directs where disclosure statements are to be filed.</p>

TAB 2

Amend Title 39  
TAB 3,4,5

Adopted

Overseer  
Council  
Meeting

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

(1) for [THE SOURCE OF] all sources of income over \$1,000 [\$5,000] during the preceding calendar year, including taxable [AND NONTAXABLE] capital gains, and gifts from a single source with a cumulative value exceeding \$250 during a calendar year [EACH GIFT WITH A VALUE EXCEEDING \$250], received by the person, the person's spouse or domestic partner, or the person's dependent child, [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250]

(A) [the] each source of the income or gift;

(B) the recipient of the income or gift;

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

(D) a description of how the income was paid (such as hourly, commission, fixed fee) and the approximate number of hours if services are performed on an hourly basis [THE NUMBER OF HOURS OF SERVICES PERFORMED, IF ANY, TO EARN THE INCOME OR FOR WHICH THE GIFT WAS GIVEN]; and

(E) the nature of the services performed, with a description sufficient to make clear to a person of ordinary understanding the work product agreed upon when the services have been performed, unless those services are required to be kept confidential by law [A DETAILED DESCRIPTION OF THE NATURE OF THE SERVICES PERFORMED];

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

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

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

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

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

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

TITLE 39.50.030 CONTENTS OF STATEMENTS - AS 39.50.030(1)

EXISTING STATUTE

HB 109 - DISCLOSURES & ETHICS - GOV

GRUENBERG AMENDMENTS

EXPLANATION

EXISTING STATUTE	HB 109 - DISCLOSURES & ETHICS - GOV	GRUENBERG AMENDMENTS	EXPLANATION
<p><b>AS 39.50.030(b)</b></p> <p>(b) Each statement filed by a public official or candidate under this chapter must include the following:</p> <p>(1) the source of income over \$5,000 during the preceding calendar year, including taxable and nontaxable capital gains, received by the person, the person's spouse or domestic partner, or the person's dependent child, except that a source of income that is a gift must be included if the value of the gift exceeds \$250;</p>	<p><b>Sec. 6. Section 39.50.030. Contents of Statements:</b></p> <p>(b) Each statement filed by a public official or candidate under this chapter must include the following:</p> <p>(1) <u>for [THE SOURCE OF] all income over \$1,000 [\$5,000] during the preceding calendar year, including taxable and nontaxable capital gains, and each gift with a value exceeding \$250, received by the person, the person's spouse or domestic partner, or the person's dependent child, [EXCEPT THAT A SOURCE OF INCOME THAT IS A GIFT MUST BE INCLUDED IF THE VALUE OF THE GIFT EXCEEDS \$250]</u></p> <p><u>(A) the source of the income or gift;</u>  <u>(B) the recipient of the income or gift;</u>  <u>(C) the amount of the income or value of the gift;</u>  <u>(D) the number of hours of services performed, if any, to earn the income or for which the gift was given; and</u>  <u>(E) a detailed description of the nature of the services performed;</u></p>	<p>Page 4, line 28                      Insert: gifts from a single source with a cumulative value exceeding \$250 during a calendar year.                      Page 5, line 1                      Insert "each" before "source"</p> <p>Page 5, line 5                      Remove reference to number of hours performed for "gifts."</p> <p>Page 5, line 4                      Change number of hours to a description of how the official was paid.</p> <p>Page 5, lines 6-7                      The nature of the services performed with a description sufficient to make clear to a person of ordinary understanding the specific services performed unless and only to the extent those services are required to be kept confidential under a state or judicial law, including the common law.</p>	<p>Applies to public officials and candidates.</p> <p>This section would require more detail in the financial disclosures reporting of income and interests exceeding \$5,000 in value; require more extensive reporting by reducing that reporting threshold to \$1,000; require that, for all income exceeding \$1,000, the disclosures describe the source of the income, the amount received, the number of hours spent to earn the income, and details regarding the service provided.</p> <p>Clarify that the official or candidate must report the gift if the cumulative value over the course of a year is more than \$,50.</p> <p><u>Note: Gifts from family members are exempted by regulation.</u></p> <p>Clarifies that the source of income or gift is not an official's profession but the individual clients, patients, etc., that were the source of the income.</p> <p>Gifts should not be tied to a number of hours of services performed. If services need to be performed, it is not a gift. Hours are an appropriate measure for officials that are paid by the hour but not when paid by commission or by a fixed amount.</p> <p>Language from HB 10 for legislator and applies to public officials.</p>

TAB 3

*[Handwritten signature]*

**TITLE 39.50.030 CONTENTS OF STATEMENTS - AS 39.50.030(b)(2)**

EXISTING STATUTE	HB 109 DISCLOSURES & ETHICS - GOV	GRUENBERG AMENDMENTS	EXPLANATION
<p>(2) the identity, by name and address, of each business in which the person, the person's spouse or domestic partner, or the person's dependent child has an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year, except that an interest of less than \$5,000 in the stock of a publicly traded corporation need not be included;</p>	<p>(2) the identity, by name and address, of each business in which the person, the person's spouse or domestic partner, or the person's dependent child has an interest or was a stockholder, owner, officer, director, partner, proprietor, or employee during the preceding calendar year, except that an interest of less than <u>\$1,000</u> [\$5,000] in the stock of a publicly traded corporation need not be included;</p>		<p>Requires disclosure of income by the person, the person's spouse or domestic partner, or the person's dependent child from all stock holdings, trust or similar interests, loans, loan guarantees, and indebtedness, exceeding \$1,000 in value.</p>

TAB 4 *signed*

**TITLE 39.50.030 CONTENTS OF STATEMENTS - AS 39.50.030(b)(4) & (5)**

**EXISTING STATUTE**

**HB 109: DISCLOSURES & ETHICS - GOV**

**EXPLANATION**

<p>(4) the identity of each trust or other fiduciary relation in which the person, the person's spouse or domestic partner, or the person's dependent child held a beneficial interest exceeding \$5,000 during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;</p> <p>(5) any loan or loan guarantee or more than \$5,000 made to the person, the person's spouse or domestic partner, or the person's dependent child, and the identity of the maker of the loan or loan guarantor and the identity of each creditor of the person, the person's spouse or partner, or the person's dependent child owed more than \$5,000; this paragraph requires disclosure of a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, or indebtedness was more than \$5,000 at any time during the preceding calendar year;</p>	<p>(4) the identity of each trust or other fiduciary relation in which the person, the person's spouse or domestic partner, or the person's dependant child held a beneficial interest exceeding \$1,000 [\$5,000] during the preceding calendar year, a description and identification of the property contained in each trust or relation, and the nature and extent of the beneficial interest in it;</p> <p>(5) any loan or loan guarantee of more than \$1,000 [\$5,000] made to the person, the person's dependent child, and the identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the person, the person's spouse or partner, or the person's dependent child owed more than <u>\$1,000</u> [\$5,000]; this paragraph requires disclosure of a loan, loan guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness incurred, during the preceding calendar year, or if the amount still owing on the loan, loan guarantee, or indebtedness was more than <u>\$1,000</u> [\$5,000] at any time during the preceding calendar year;</p>	<p>Requires disclosure of trusts or similar interests, loans, loan guarantees, and indebtedness, exceeding \$1,000 in value.</p>
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TAB 5 *referred*