

HOUSE BILL NO. 225

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES COWDERY, Kohring

Introduced: 5/5/99

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to election campaigns and legislative ethics; and providing for
2 an effective date."

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

4 * **Section 1.** AS 15.13.074(c), as repealed and reenacted by sec. 12, ch. 48, SLA 1996, is
5 amended to read:

6 (c) A person or group may not make a contribution

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

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

1 municipal election or that is before the date of the proclamation of the special election
 2 at which the candidate or individual seeks election to public office; or

3 (3) to any candidate **after the earlier of December 31 of the year of**
 4 **the election or the 60th** [LATER THAN THE 45TH] day

5 (A) after the date of a primary election if the candidate

6 (i) has been nominated at the primary election or is
 7 running as a write-in candidate; and

8 (ii) is not opposed at the general election;

9 (B) after the date of the primary election if the candidate was
 10 not nominated at the primary election; or

11 (C) after the date of the general election, or after the date of a
 12 municipal or municipal runoff election, if the candidate was opposed at the
 13 general, municipal, or municipal runoff election.

14 * **Sec. 2.** AS 24.60.030(a) is amended to read:

15 (a) A legislator or legislative employee may not

16 (1) solicit, agree to accept, or accept a benefit other than official
 17 compensation for the performance of public duties; this paragraph may not be
 18 construed to prohibit lawful solicitation for and acceptance of campaign contributions
 19 or the acceptance of a lawful gratuity under AS 24.60.080;

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

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

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

31 (C) **unlimited** telephone, **Internet**, or facsimile use that does

1 not carry a special charge;

2 (D) the legislative council, notwithstanding AS 24.05.190, from
3 designating a public facility for **unlimited** use by legislators and legislative
4 employees for health or fitness purposes; when the council designates a facility
5 to be used by legislators and legislative employees for health or fitness
6 purposes, it shall adopt guidelines governing access to and use of the facility;
7 the guidelines may establish times in which use of the facility is limited to
8 specific groups; [OR]

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

19 **(F) a legislator from unlimited use of legislative employees**
20 **to send out seasonal greeting cards;**

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

24 **(H) unlimited use by a legislator of photographs of that**
25 **legislator;**

26 **(I) unlimited use by a legislator of the Internet; or**

27 **(J) a legislator from soliciting, accepting, or receiving a gift**
28 **on behalf of a recognized, nonpolitical charitable organization in a state**
29 **facility;**

30 (3) knowingly seek, accept, use, allocate, grant, or award public funds
31 for a purpose other than that approved by law, or make a false statement in connection

1 with a claim, request, or application for compensation, reimbursement, or travel
2 allowances from public funds;

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

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

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

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

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

21 (D) unlimited storage or maintenance [STORING OR
22 MAINTAINING], consistent with (b) of this section, of election campaign
23 records in a legislator's office; [OR]

24 (E) a legislator from unlimited use of [USING] the legislator's
25 private office in the capital city during a legislative session, and for the 10
26 [FIVE] days immediately before and the 10 [FIVE] days immediately after a
27 legislative session, for nonlegislative purposes if the use does not interfere with
28 the performance of public duties and if there is no cost to the state for the use
29 of the space and equipment, other than utility costs and minimal wear and tear,
30 or the legislator promptly reimburses the state for the cost; an office is
31 considered a legislator's private office under this subparagraph if it is the

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

3 **(F) a legislator from unlimited use of legislative employees**
 4 **to send out seasonal greeting cards;**

5 **(G) unlimited use by a legislator of photographs of that**
 6 **legislator;**

7 **(H) unlimited use by a legislator of the Internet; or**

8 **(I) use of state property and resources, including staff time,**
 9 **by a sponsor or co-sponsor of a ballot proposition to support that ballot**
 10 **proposition, except that staff may not be used to raise funds to support the**
 11 **ballot proposition.**

12 * **Sec. 3.** Except as provided in sec. 4 of this Act, this Act takes effect immediately under
 13 AS 01.10.070(c).

14 * **Sec. 4.** Section 1 of this Act takes effect on the effective date of sec. 3 of this Act or on
 15 the date that, under sec. 34, ch. 48, SLA 1996, sec. 12, ch. 48, SLA 1996 takes effect,
 16 whichever is later.