

**CS FOR HOUSE BILL NO. 225(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/8/99

Referred: Today's Calendar

Sponsor(s): REPRESENTATIVE COWDERY, Kohring

**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4 \* **Section 1.** AS 15.13.074(c), as repealed and reenacted by sec. 12, ch. 48, SLA 1996, is  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 15.13.145(b) is amended to read:

15 (b) Money held by an entity identified in (a)(1) - (3) of this section may be  
 16 used to influence the outcome of an election concerning a ballot proposition or  
 17 question **if the use is permitted under AS 24.60.030(a)(5)(H) or** [, BUT ONLY] if  
 18 the funds have been specifically appropriated for that purpose by a state law or a  
 19 municipal ordinance.

20 \* **Sec. 3.** AS 24.60.030(a) is amended to read:

21 (a) A legislator or legislative employee may not

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

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

30 (A) limited use of state property and resources for personal  
 31 purposes if the use does not interfere with the performance of public duties and

1 either the cost or value related to the use is nominal or the legislator or  
 2 legislative employee reimburses the state for the cost of the use;

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

6 (C) **unlimited** telephone or facsimile use that does not carry a  
 7 special charge;

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

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

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

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

29 **(H) unlimited use by a legislator of photographs of that**  
 30 **legislator;**

31 **(I) reasonable use of the Internet by a legislator or a**

1            **legislative employee except if the use is for election campaign purposes; or**  
 2                            **(J) a legislator from soliciting, accepting, or receiving a gift**  
 3            **on behalf of a recognized, nonpolitical charitable organization in a state**  
 4            **facility;**

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

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

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

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

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

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

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

30                            (E) a legislator from using the legislator's private office in the  
 31           capital city during a legislative session, and for the **10** [FIVE] days

1 immediately before and the 10 [FIVE] days immediately after a legislative  
 2 session, for nonlegislative purposes if the use does not interfere with the  
 3 performance of public duties and if there is no cost to the state for the use of  
 4 the space and equipment, other than utility costs and minimal wear and tear,  
 5 or the legislator promptly reimburses the state for the cost; an office is  
 6 considered a legislator's private office under this subparagraph if it is the  
 7 primary space in the capital city reserved for use by the legislator, whether or  
 8 not it is shared with others;

9 (F) unlimited use by a legislator of photographs of that  
 10 legislator;

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

13 (H) use of governmental resources, including paid staff time,  
 14 to support or oppose a proposed initiative or an amendment to the state  
 15 or federal constitution; a legislator or legislative employee may support or  
 16 oppose a proposed initiative or constitutional amendment; however, a  
 17 legislator or legislative employee may not use governmental resources to  
 18 solicit contributions for or gather signatures on an initiative petition; a  
 19 legislative employee may not, on government time, accept or receive  
 20 contributions relating to a proposed constitutional amendment or initiative.

21 \* **Sec. 4.** Except as provided in sec. 5 of this Act, this Act takes effect December 1, 1999.

22 \* **Sec. 5.** Section 1 of this Act takes effect on the later of

23 (1) immediately under AS 01.10.070(c); or

24 (2) the date that, under sec. 34, ch. 48, SLA 1996, sec. 12, ch. 48, SLA 1996

25 takes effect.