

CS FOR HOUSE BILL NO. 157(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/9/03

Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the Alaska Public Offices Commission to issue advisory opinions;
2 amending campaign financial disclosure requirements; amending the definition of
3 'administrative action' and 'lobbyist'; amending limits on campaign contributions from
4 nonresident individuals; providing for electronic filing of certain documents with the
5 Alaska Public Offices Commission; amending the notice provision when a candidate
6 makes a loan to the candidate's own campaign; amending provisions governing the
7 distribution of unused campaign contributions; providing for expedited consideration
8 of, and modifying procedures for determining, violations of state election campaign
9 laws; amending the time period within which to file an administrative complaint of a
10 violation of state election campaign laws; amending the definition of 'political party' for
11 state election campaigns; amending the requirements for the reporting of financial
12 interests by public officials; repealing the prohibition on campaign contribution

1 solicitations and acceptances while the legislature is in session and in the capital city;
 2 repealing the requirement for civic leagues and organizations to report contributions to
 3 influence legislative action; making conforming amendments; and providing for an
 4 effective date."

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

6 * **Section 1.** AS 15.13.030 is amended to read:

7 **Sec. 15.13.030. Duties of the commission.** The commission shall

8 (1) develop and provide all forms for the reports and statements
 9 required to be made under this chapter, AS 24.45, and AS 39.50;

10 (2) prepare and publish a manual setting out uniform methods of
 11 bookkeeping and reporting for use by persons required to make reports and statements
 12 under this chapter and otherwise assist candidates, groups, and individuals in
 13 complying with the requirements of this chapter;

14 (3) receive and hold open for public inspection reports and statements
 15 required to be made under this chapter and, upon request, furnish copies at cost to
 16 interested persons;

17 (4) compile and maintain a current list of all filed reports and
 18 statements;

19 (5) prepare a summary of each report filed under AS 15.13.110 and
 20 make copies of this summary available to interested persons at their actual cost;

21 (6) notify, by registered or certified mail, all persons who are
 22 delinquent in filing reports and statements required to be made under this chapter;

23 (7) examine, investigate, and compare all reports, statements, and
 24 actions required by this chapter, AS 24.45, and AS 39.50;

25 (8) prepare and publish a biennial report concerning the activities of
 26 the commission, the effectiveness of this chapter, its enforcement by the attorney
 27 general's office, and recommendations and proposals for change; the commission shall
 28 notify the legislature that the report is available;

29 (9) adopt regulations necessary to implement and clarify the provisions

1 of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62
 2 (Administrative Procedure Act); **and**

3 **(10) consider a written request for an advisory opinion concerning**
 4 **the application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50.**

5 * **Sec. 2.** AS 15.13.040(a) is amended to read:

6 (a) Except as provided in (g) **and (m)** of this section, each candidate shall
 7 make a full report, upon a form prescribed by the commission, listing **(1)** the date and
 8 amount of all expenditures made by the candidate, **(2)** the total amount of all
 9 contributions, including all funds contributed by the candidate, and **(3)** for all
 10 contributions in excess of \$100 in the aggregate a year, the name, address, principal
 11 occupation, and employer of the contributor and the date and amount contributed by
 12 each contributor. The report shall be filed in accordance with AS 15.13.110 and shall
 13 be certified correct by the candidate or campaign treasurer. **Nothing in this**
 14 **subsection prevents a candidate from reporting all contributions if desired by the**
 15 **candidate.**

16 * **Sec. 3.** AS 15.13.040(b) is amended to read:

17 (b) **Except as provided in (m) of this section, each** [EACH] group shall
 18 make a full report upon a form prescribed by the commission, listing
 19 (1) the name and address of each officer and director;
 20 (2) the aggregate amount of all contributions made to it; and for all
 21 contributions in excess of \$100 in the aggregate a year, the name, address, principal
 22 occupation, and employer of the contributor, and the date and amount contributed by
 23 each contributor; for purposes of this paragraph, "contributor" means the true source
 24 of the funds, property, or services being contributed; and
 25 (3) the date and amount of all contributions made by it and all
 26 expenditures made, incurred, or authorized by it.

27 * **Sec. 4.** AS 15.13.040(j) is amended to read:

28 (j) **Except as provided in (m) of this section, each** [EACH] nongroup entity
 29 shall make a full report in accordance with AS 15.13.110 upon a form prescribed by
 30 the commission and certified by the nongroup entity's treasurer, listing
 31 (1) the name and address of each officer and director of the nongroup

1 entity;

2 (2) the aggregate amount of all contributions made to the nongroup
3 entity for the purpose of influencing the outcome of an election; and, for all such
4 contributions in excess of \$100 in the aggregate a year, the name, address, principal
5 occupation, and employer of the contributor, and the date and amount contributed by
6 each contributor; for purposes of this paragraph, "contributor" means the true source
7 of the funds, property, or services being contributed; and

8 (3) the date and amount of all contributions made by the nongroup
9 entity, and, except as provided for certain independent expenditures in
10 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup
11 entity, for the purpose of influencing the outcome of an election; a nongroup entity
12 shall report contributions made to a different nongroup entity for the purpose of
13 influencing the outcome of an election and expenditures made on behalf of a different
14 nongroup entity for the purpose of influencing the outcome of an election as soon as
15 the total contributions and expenditures to that nongroup entity for the purpose of
16 influencing the outcome of an election reach \$500 in a year and for all subsequent
17 contributions and expenditures to that nongroup entity in a year whenever the total
18 contributions and expenditures to that nongroup entity for the purpose of influencing
19 the outcome of an election that have not been reported under this paragraph reach
20 \$500.

21 * **Sec. 5.** AS 15.13.040 is amended by adding new subsections to read:

22 (l) Upon request of the commission, the information required under this
23 chapter shall be submitted electronically.

24 (m) Notwithstanding (a), (b), and (j) of this section, for any fund raising
25 activity in which contributions are in amounts or values that do not exceed \$50 a
26 person, the candidate, group, or nongroup entity shall report contributions and
27 expenditures and supplying of services under this subsection as follows:

28 (1) a report under this subsection must

29 (A) describe the fund raising activity;

30 (B) include the number of persons making contributions and
31 the total proceeds from the activity;

1 (C) report all contributions made for the fund raising activity
 2 that do not exceed \$50 a person in amount or value; if a contribution for the
 3 fund raising activity exceeds \$50, the contribution shall be reported under (a),
 4 (b), and (j) of this section;

5 (2) for purposes of this subsection,

6 (A) "contribution" means a cash donation, a purchase such as
 7 the purchase of a ticket, the purchase of goods or services offered for sale at a
 8 fund raising activity, or a donation of goods or services for the fund raising
 9 activity;

10 (B) "fund raising activity" means an activity, event, or sale of
 11 goods undertaken by a candidate, group, or nongroup entity in which
 12 contributions are \$50 a person or less in amount or value.

13 * **Sec. 6.** AS 15.13.072(e) is amended to read:

14 (e) A candidate or an individual who has filed with the commission the
 15 document necessary to permit that individual to incur election-related expenses under
 16 AS 15.13.100 may solicit or accept contributions from an individual who is not a
 17 resident of the state at the time the contribution is made if the amounts contributed by
 18 individuals who are not residents do not exceed

19 (1) \$20,000 a calendar year, if the candidate or individual is seeking
 20 the office of governor or lieutenant governor;

21 (2) \$5,000 a calendar year, if the candidate or individual is seeking
 22 the office of state senator;

23 (3) \$3,000 a calendar year, if the candidate or individual is seeking
 24 the office of state representative or municipal or other office.

25 * **Sec. 7.** AS 15.13.074(g) is amended to read:

26 (g) An individual required to register as a lobbyist under AS 24.45 may not
 27 make a contribution to a candidate for the legislature at any time the individual is
 28 subject to the registration requirement under as 24.45 and for one year after the date of
 29 the individual's initial registration or its renewal. However, the individual may make a
 30 contribution under this section to a candidate for the legislature in a district in which
 31 the individual is eligible to vote or will be eligible to vote on the date of the election.

1 An individual who is subject to the restrictions of this subsection shall report to the
 2 commission, on a form provided by the commission, each contribution made while
 3 required to register as a lobbyist under AS 24.45. **Upon request of the commission,**
 4 **the information required under this subsection shall be submitted electronically.**

5 This subsection does not apply to a representational lobbyist as defined in regulations
 6 of the commission.

7 * **Sec. 8.** AS 15.13.074(h) is amended to read:

8 (h) Notwithstanding AS 15.13.070, a candidate for governor or lieutenant
 9 governor and a group that is not a political party and that, under the definition of the
 10 term "group," is presumed to be controlled by a candidate for governor or lieutenant
 11 governor, may not make a contribution to a candidate for another office, to a person
 12 who conducts a write-in campaign as a candidate for other office, or to another group
 13 of amounts received by that candidate or controlled group as contributions between
 14 January 1 and the date of the general election of the year of a general election for an
 15 election for governor and lieutenant governor. This subsection does not prohibit

16 (1) the group described in this subsection from making contributions to
 17 the candidates for governor and lieutenant governor whom the group supports; or

18 (2) the governor or lieutenant governor, or the group described in this
 19 subsection, from making contributions **of unused contributions to a political party**
 20 **within 90 days after an election** [UNDER AS 15.13.116(a)(2)(A)].

21 * **Sec. 9.** AS 15.13.078(b) is amended to read:

22 (b) The provisions of this chapter do not prohibit the individual who is a
 23 candidate from lending any amount to the campaign of the candidate. Loans made by
 24 the candidate shall be reported as contributions in accordance with AS 15.13.040 and
 25 15.13.110. However, the candidate may not

26 [(1)] recover, under this section and AS 15.13.116(a)(4), the amount of
 27 a loan made by the candidate to the candidate's own campaign that exceeds

28 **(1)** [(A)] \$25,000, if the candidate ran for governor or lieutenant
 29 governor;

30 **(2)** [(B)] \$10,000, if the candidate ran for

31 **(A)** [(i)] the legislature; or

- 1 **(B)** [(ii)] delegate to a constitutional convention;
- 2 **(3)** [(C)] \$10,000, if the candidate was a judge seeking retention;
- 3 **(4)** [(D)] \$5,000, if the candidate ran in a municipal election [; OR
- 4 (2) REPAY A LOAN THAT THE CANDIDATE HAS MADE TO
- 5 THE CANDIDATE'S OWN CAMPAIGN UNLESS, WITHIN FIVE DAYS OF
- 6 MAKING THE LOAN, THE CANDIDATE NOTIFIES THE COMMISSION, ON A
- 7 FORM PROVIDED BY THE COMMISSION, OF THE CANDIDATE'S
- 8 INTENTION TO REPAY THE LOAN UNDER AS 15.13.116(a)(4)].

9 * **Sec. 10.** AS 15.13.110(a) is amended to read:

10 (a) Each candidate, group, and nongroup entity shall make a full report in

11 accordance with AS 15.13.040 for the period ending three days before the due date of

12 the report and beginning on the last day covered by the most recent previous report. If

13 the report is a first report, it **must** [SHALL] cover the period from the beginning of the

14 campaign to the date three days before the due date of the report. If the report is a

15 report due February 15, it **must** [SHALL] cover the period beginning on the last day

16 covered by the most recent previous report or on the day that the campaign started,

17 whichever is later, and ending on **February 1 of that** [DECEMBER 31 OF THE

18 PRIOR] year. The report shall be filed

19 (1) 30 days before the election; however, this report is not required if

20 the deadline for filing a nominating petition or declaration of candidacy is within 30

21 days of the election;

22 (2) one week before the election;

23 (3) **105** [10] days after **a special, municipal, or municipal run-off**

24 [THE] election; and

25 (4) February 15 for expenditures made and contributions received that

26 were not reported **previously** [DURING THE PREVIOUS YEAR], including, if

27 applicable, all amounts expended from a public office expense term account

28 established under AS 15.13.116(a)(8) and all amounts expended from a municipal

29 office account under AS 15.13.116(a)(9), or when expenditures were not made or

30 contributions were not received during the previous year.

31 * **Sec. 11.** AS 15.13.116(a) is amended to read:

1 (a) A candidate who, after the date of the general, special, municipal, or
 2 municipal runoff election or after the date the candidate withdraws as a candidate,
 3 whichever comes first, holds unused campaign contributions shall **on February 1 for**
 4 **a general election or within 90 days after a special, municipal, or municipal**
 5 **runoff election** distribute the amount held [WITHIN 90 DAYS]. The distribution
 6 may only be made to

7 (1) pay bills incurred for expenditures reasonably related to the
 8 campaign and the winding up of the affairs of the campaign, including a victory or
 9 thank you party, thank you advertisements, and thank you gifts to campaign
 10 employees and volunteers, and to pay expenditures associated with post-election fund
 11 raising that may be needed to raise funds to pay off campaign debts;

12 (2) make donations, without condition, to

13 (A) [A POLITICAL PARTY;

14 (B)] the state's general fund;

15 **(B)** [(C)] a municipality of the state; or

16 **(C)** [(D)] the federal government;

17 (3) make donations, without condition, to organizations qualified as
 18 charitable organizations under 26 U.S.C. 501(c)(3) **if** [, PROVIDED] the organization
 19 is not controlled by the candidate or a member of the candidate's immediate family;

20 (4) repay loans from the candidate to the candidate's own campaign
 21 under AS 15.13.078(b);

22 (5) repay contributions to contributors, but only if repayment of the
 23 contribution is made pro rata in approximate proportion to the contributions made
 24 using one of the following, as the candidate determines:

25 (A) to all contributors;

26 (B) to contributors who have contributed most recently; or

27 (C) to contributors who have made larger contributions;

28 (6) establish a fund for, and from that fund to pay, attorney fees or
 29 costs incurred in the prosecution or defense of an administrative or civil judicial action
 30 that directly concerns a challenge to the victory or defeat of the candidate in the
 31 election;

1 (7) transfer all or a portion of the unused campaign contributions to an
2 account for a future election campaign; a transfer under this paragraph is limited to

3 (A) \$50,000, if the transfer is made by a candidate for governor
4 or lieutenant governor;

5 (B) \$10,000, if the transfer is made by a candidate for the state
6 senate;

7 (C) \$5,000, if the transfer is made by a candidate for the state
8 house of representatives; and

9 (D) \$5,000, if the transfer is made by a candidate for an office
10 not described in (A) - (C) of this paragraph;

11 (8) transfer all or a portion of the unused campaign contributions to a
12 public office expense term account or to a public office expense term account reserve
13 in accordance with (d) of this section; a transfer under this paragraph is subject to the
14 following:

15 (A) the authority to transfer is limited to candidates who are
16 elected to the state legislature;

17 (B) the public office expense term account established under
18 this paragraph may be used only for expenses associated with the candidate's
19 serving as a member of the legislature;

20 (C) all amounts expended from the public office expense term
21 account shall be annually accounted for under AS 15.13.110(a)(4); and

22 (D) a transfer under this paragraph is limited to \$5,000
23 multiplied by the number of years in the term to which the candidate is elected
24 plus any accumulated interest; and

25 (9) transfer all or a portion of the unused campaign contributions to a
26 municipal office account; a transfer under this paragraph is subject to the following:

27 (A) the authority to transfer is limited to candidates who are
28 elected to municipal office, including a municipal school board;

29 (B) the municipal office account established under this
30 paragraph may be used only for expenses associated with the candidate's
31 serving as mayor or as a member of the assembly, city council, or school

1 board;

2 (C) all amounts expended from the municipal office account
3 shall be annually accounted for under AS 15.13.110(a)(4); and

4 (D) a transfer under this paragraph is limited to \$5,000.

5 * **Sec. 12.** AS 15.13 is amended by adding a new section to read:

6 **Sec. 15.13.374. Advisory opinion.** (a) Any person may request an advisory
7 opinion from the commission concerning this chapter, AS 24.45, AS 24.60.200 -
8 24.60.260, or AS 39.50.

9 (b) A request for an advisory opinion

10 (1) must be in writing or contained in a message submitted by
11 electronic mail;

12 (2) must describe a specific transaction or activity that the requesting
13 person is presently engaged in or intends to undertake in the future;

14 (3) must include a description of all relevant facts, including the
15 identity of the person requesting the advisory opinion; and

16 (4) may not concern a hypothetical situation or the activity of a third
17 party.

18 (c) Within seven days after receiving a request satisfying the requirements of
19 (b) of this section, the executive director of the commission shall recommend a draft
20 advisory opinion for the commission to consider at its next meeting.

21 (d) The approval of a draft advisory opinion requires the affirmative vote of
22 four members of the commission. A draft advisory opinion failing to receive four
23 affirmative votes of the members of the commission is disapproved.

24 (e) A complaint under AS 15.13.380 may not be considered about a person
25 involved in a transaction or activity that

26 (1) was the material subject of an advisory opinion approved under (d)
27 of this section;

28 (2) is indistinguishable from the description of an activity that was
29 approved in an advisory opinion approved under (d) of this section; or

30 (3) was undertaken after the executive director of the commission
31 recommended a draft advisory opinion under (c) of this section and before the

1 commission acted on the draft advisory opinion under (d) of this section, if

2 (A) the draft advisory opinion would have approved the
3 transaction or activity described; and

4 (B) the commission disapproved the draft advisory opinion.

5 (f) Advisory opinion requests and advisory opinions are public records subject
6 to inspection and copying under AS 40.25.

7 * **Sec. 13.** AS 15.13.380 is repealed and reenacted to read:

8 **Sec. 15.13.380. Violations; limitations on actions.** (a) Promptly after the
9 final date for filing statements and reports under this chapter, the commission shall
10 notify all persons who have become delinquent in filing a statement or report under
11 this chapter, including contributors who failed to file a statement in accordance with
12 AS 15.13.040, and shall make available a list of delinquent filers for public inspection.
13 The commission shall also report to the attorney general the names of all candidates in
14 an election whose campaign treasurers have failed to file the reports required by this
15 chapter.

16 (b) A member of the commission, the commission's executive director, or a
17 person who believes a violation of this chapter or a regulation adopted under this
18 chapter has occurred or is occurring may file an administrative complaint with the
19 commission within one year after the date of the alleged violation. If a member of the
20 commission has filed the complaint, that member may not participate as a
21 commissioner in any proceeding of the commission with respect to the complaint.
22 The commission may consider a complaint on an expedited basis or a regular basis.

23 (c) The complainant or the respondent to the complaint may request in writing
24 that the commission expedite consideration of the complaint. A request for expedited
25 consideration must be accompanied by evidence to support expedited consideration
26 and be served on the opposing party. The commission shall grant or deny the request
27 within two days after receiving it. In deciding whether to expedite consideration, the
28 commission shall consider such factors as whether the alleged violation, if not
29 immediately restrained, could materially affect the outcome of an election or other
30 impending event; whether the alleged violation could cause irreparable harm that
31 penalties could not adequately remedy; and whether there is reasonable cause to

1 believe that a violation has occurred or will occur. Notwithstanding the absence of a
2 request to expedite consideration, the commission may independently expedite
3 consideration of the complaint if the commission finds that the standards for expedited
4 consideration set out in this subsection have been met.

5 (d) If the commission expedites consideration, the commission shall hold a
6 hearing on the complaint within two days after granting expedited consideration. Not
7 later than one day after affording the respondent notice and an opportunity to be heard,
8 the commission shall

9 (1) enter an emergency order requiring the violation to cease or to be
10 remedied and shall assess civil penalties under AS 15.13.390 if the commission finds
11 that the respondent has engaged in or is about to engage in an act or practice that
12 constitutes or will constitute a violation of this chapter or a regulation adopted under
13 this chapter; or

14 (2) enter an emergency order dismissing the complaint if the
15 commission finds that the respondent has not or is not about to engage in an act or
16 practice that constitutes or will constitute a violation of this chapter or a regulation
17 adopted under this chapter; or

18 (3) remand the complaint to the executive director of the commission
19 for consideration by the commission on a regular rather than expedited basis.

20 (e) If the commission accepts the complaint for consideration on a regular
21 rather than expedited basis, the commission shall notify the respondent within seven
22 days after receiving the complaint and shall investigate the complaint. The respondent
23 may answer the complaint by filing a written response with the commission within 15
24 days after the commission notifies the respondent of the complaint. The commission
25 may grant the respondent additional time to respond to the complaint only for good
26 cause. The commission shall hold a hearing on the complaint not later than 45 days
27 after the respondent's written response is due. Not later than 10 days after the hearing,
28 the commission shall issue its order. If the commission finds that the respondent has
29 engaged in or is about to engage in an act or practice that constitutes or will constitute
30 a violation of this chapter or a regulation adopted under this chapter, the commission
31 shall enter an order requiring the violation to cease or to be remedied and shall assess

1 civil penalties under AS 15.13.390.

2 (f) If the complaint involves a challenge to the constitutionality of a statute or
3 regulation, necessary witnesses that are not subject to the commission's subpoena
4 authority, or other issues outside the commission's authority, the commission may
5 request the attorney general to undertake a court action. The commission may request
6 the attorney general to undertake a court action to remedy the violation of a
7 commission order.

8 (g) A commission order under (d) or (e) of this section may be appealed to the
9 superior court by either the complainant or respondent within 30 days after the order
10 was issued in accordance with the Alaska Rules of Appellate Procedure.

11 (h) If the commission does not complete action on an administrative complaint
12 within 90 days after the complaint was filed, the complainant may file a complaint in
13 superior court alleging a violation of this chapter by a respondent as described in the
14 administrative complaint filed with the commission. The complainant shall provide
15 copies of the complaint filed in the superior court to the commission and the attorney
16 general. A complaint may not be filed in superior court under this subsection if more
17 than two years have elapsed after the date of the alleged violation. This subsection
18 does not create a private cause of action against the commission; against the
19 commission's members, officers, or employees; or against the state.

20 (i) If, after a successful candidate is sworn into office, a person who was a
21 successful candidate or the campaign treasurer or deputy campaign treasurer of a
22 person who was a successful candidate is convicted of a violation of this chapter,
23 proceedings shall be held and appropriate action taken in accordance with

24 (1) art. II, sec. 12, Constitution of the State of Alaska, if the candidate
25 is a candidate for the state legislature;

26 (2) art. II, sec. 20, Constitution of the State of Alaska, if the candidate
27 is a candidate for governor or lieutenant governor;

28 (3) AS 29.20.170, if the candidate is a candidate for the borough
29 assembly;

30 (4) AS 29.20.280, if the candidate is a candidate for borough mayor;

31 (5) AS 29.20.170, if the candidate is a candidate for city council;

1 (6) AS 29.20.280, if the candidate is a candidate for city mayor;

2 (7) the provisions of the call for the constitutional convention, if the
3 candidate is a candidate for constitutional convention delegate;

4 (8) art. IV, sec. 10, Constitution of the State of Alaska, if the candidate
5 is a candidate for judicial retention.

6 (j) Information developed by the commission under (b) - (e) of this section
7 shall be considered during a proceeding under (i) of this section.

8 (k) If, after a successful candidate is sworn into office, the successful
9 candidate or the campaign treasurer or deputy campaign treasurer of the person who
10 was a successful candidate is charged with a violation of this chapter, the case shall be
11 promptly tried and accorded a preferred position for purposes of argument and
12 decision, so as to assure a speedy disposition of the matter.

13 * **Sec. 14.** AS 15.13.400(15) is repealed and reenacted to read:

14 (15) "political party" means any group that is a political party under
15 AS 15.60.010 and any subordinate unit of that group if, consistent with the rules or
16 bylaws of the political party, the unit conducts or supports campaign operations in a
17 municipality, neighborhood, house district, or precinct;

18 * **Sec. 15.** AS 24.45.041 is amended by adding a new subsection to read:

19 (h) Upon request of the Alaska Public Offices commission, information
20 required under this section shall be submitted electronically.

21 * **Sec. 16.** AS 24.45.051 is amended to read:

22 **Sec. 24.45.051. Reports.** Each lobbyist registered under AS 24.45.041 shall
23 file with the commission a report concerning the lobbyist's activities during each
24 reporting period prescribed in AS 24.45.081, so long as the lobbyist continues to
25 engage in lobbying activities. The report shall be made on a form prescribed by the
26 commission and filed in accordance with AS 24.45.071 and 24.45.081. **Upon request**
27 **of the Alaska Public Offices commission, information required under this section**
28 **shall be submitted electronically.** The report also must include any changes in the
29 information required to be supplied under AS 24.45.041(b) and the following
30 information for the reporting period, as applicable:

31 (1) the source of income, as defined in AS 39.50.200(a) and the

1 monetary value of all payments, including but not limited to salary, fees, and
 2 reimbursement of expenses, received in consideration for or directly or indirectly in
 3 support of or in connection with influencing legislative or administrative action, and
 4 the full name and complete address of each person from whom amounts or things of
 5 value have been received and the total monetary value received from each person;

6 (2) the aggregate amount of disbursements or expenditures made or
 7 incurred during the period in support of or in connection with influencing legislative
 8 or administrative action by the lobbyist, or on behalf of the lobbyist by the lobbyist's
 9 employer in the following categories:

10 (A) food and beverages;

11 (B) living accommodations;

12 (C) travel;

13 (3) the date and nature of any gift exceeding \$100 in value made to a
 14 public official and the full name and official position of that person;

15 (4) the name and official position of each public official, and the name
 16 of each member of the immediate family of any of these officials, with whom the
 17 lobbyist has engaged in an exchange of money, goods, services, or anything of more
 18 than \$100 in value and the nature and date of each of these exchanges and the
 19 monetary values exchanged;

20 (5) the name and address of any business entity in which the lobbyist
 21 knows or has reason to know that a public official is a proprietor, partner, director,
 22 officer or manager, or has a controlling interest, and whom the lobbyist has engaged in
 23 an exchange of money, goods, services, or anything of value and the nature and date
 24 of each exchange and the monetary value exchanged if the total value of these
 25 exchanges is \$100 or more in a calendar year; and

26 (6) a notice of termination if the lobbyist has ceased the lobbying
 27 activity that required registration under this chapter and if this report constitutes the
 28 final report of the lobbyist's activities.

29 * **Sec. 17.** AS 24.45.061 is amended by adding a new subsection to read:

30 (c) Upon request of the Alaska Public Offices commission, information
 31 required under this section shall be submitted electronically.

1 * **Sec. 18.** AS 24.45.171(1) is amended to read:

2 (1) "administrative action" means the proposal, drafting, development,
3 consideration, amendment, adoption, approval, promulgation, issuance, modification,
4 rejection, or postponement by any state agency of any rule **or** [,] regulation, [ORDER,
5 DECISION, DETERMINATION,] or any other quasi-legislative [OR QUASI-
6 JUDICIAL] action or proceeding whether or not governed by AS 44.62
7 (Administrative Procedure Act); **"administrative action" does not include**

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

10 **(B) the issuance, amendment, or revocation of a permit,**
11 **license, or entitlement for use;**

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

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

17 **(E) the issuance of, or ensuring compliance with, a legal**
18 **opinion; or**

19 **(F) activity related to a collective bargaining agreement,**
20 **including negotiating or enforcing the agreement;**

21 * **Sec. 19.** AS 24.45.171(8) is amended to read:

22 (8) "lobbyist" means

23 (A) a person who, **on a full-time or part-time basis,** is
24 employed and receives payments, **income,** or [WHO CONTRACTS FOR]
25 economic consideration, including reimbursement for reasonable travel and
26 living expenses, to communicate directly or through the person's agents with
27 any public official for the purpose of influencing legislative or administrative
28 action if a substantial or regular portion of the activities for which the person
29 receives consideration is for the purpose of influencing legislative or
30 administrative action; **in this subparagraph, "substantial or regular" means**
31 **more than 16 hours in a 30-day period in direct communication with**

1 **public officials or legislative employees;** or

2 (B) a person who **engages** [REPRESENTS ONESELF AS
3 ENGAGING] in the influencing of legislative or administrative action as a
4 business, occupation, **service,** or profession;

5 * **Sec. 20.** AS 24.60.200 is amended to read:

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

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

15 (2) as to income in excess of **\$2,500** [\$1,000] received as
16 compensation for personal services, the name and address of the source of the income,
17 and a statement describing the nature of the services performed; if the source of
18 income is known or reasonably should be known to have a substantial interest in
19 legislative, administrative, or political action and the recipient of the income is a
20 legislator or a legislative director, the amount of income received from the source shall
21 be disclosed;

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

27 * **Sec. 21.** AS 24.60.200 is amended by adding a new subsection to read:

28 (b) Upon request of the Alaska Public Offices Commission, the information
29 required under this chapter shall be submitted electronically.

30 * **Sec. 22.** AS 39.50.030(b) is amended to read:

31 (b) Except as provided in (g) of this section, each statement filed by a public

1 official or candidate under this chapter must include the following:

2 (1) the source of all income over **\$2,500** [\$1,000] during the preceding
3 calendar year, including taxable and nontaxable capital gains, received by the person,
4 the person's spouse or spousal equivalent, or the person's child, except that a source of
5 income that is a gift must be included if the value of the gift exceeds \$250;

6 (2) the identity, by name and address, of each business in which the
7 person, the person's spouse or spousal equivalent, or the person's child **has an interest**
8 **or** was a stockholder, owner, officer, director, partner, proprietor, or employee during
9 the preceding calendar year, **except that an interest of less than \$10,000 in the stock**
10 **of a publicly traded corporation need not be included;**

11 (3) [THE IDENTITY AND NATURE OF EACH INTEREST
12 OWNED IN ANY BUSINESS DURING THE PRECEDING CALENDAR YEAR
13 BY THE PERSON, THE PERSON'S SPOUSE OR SPOUSAL EQUIVALENT, OR
14 THE PERSON'S CHILD;

15 (4)] the identity and nature of each interest in real property, including
16 an option to buy, owned at any time during the preceding calendar year by the person,
17 the person's spouse or spousal equivalent, or the person's child;

18 **(4)** [(5)] the identity of each trust or other fiduciary relation in which
19 the person, the person's spouse or spousal equivalent, or the person's child held a
20 beneficial interest exceeding **\$2,500** [\$1,000] during the preceding calendar year, a
21 description and identification of the property contained in each trust or relation, and
22 the nature and extent of the beneficial interest in it;

23 **(5)** [(6)] any loan or loan guarantee of more than **\$5,000** [\$1,000] made
24 to the person, the person's spouse or spousal equivalent, or the person's child, and the
25 identity of the maker of the loan or loan guarantor and the identity of each creditor to
26 whom the person, the person's spouse or spousal equivalent, or the person's child owed
27 more than **\$5,000** [\$1,000]; this paragraph requires disclosure of a loan, loan
28 guarantee, or indebtedness only if the loan or guarantee was made, or the indebtedness
29 incurred, during the preceding calendar year, or if the amount still owing on the loan,
30 loan guarantee, or indebtedness was more than **\$5,000** [\$1,000] at any time during the
31 preceding calendar year;

1 **(6)** [(7)] a list of all contracts and offers to contract with the state or an
 2 instrumentality of the state during the preceding calendar year held, bid, or offered by
 3 the person, the person's spouse or spousal equivalent, or the person's child, a
 4 partnership or professional corporation of which the person is a member, or a
 5 corporation in which the person or the person's spouse, spousal equivalent, or children,
 6 or a combination of them, hold a controlling interest; and

7 **(7)** [(8)] a list of all mineral, timber, oil, or any other natural resource
 8 lease held, or lease offer made, during the preceding calendar year by the person, the
 9 person's spouse or spousal equivalent, or the person's child, a partnership or
 10 professional corporation of which the person is a member, or a corporation in which
 11 the person or the person's spouse or spousal equivalent or children, or a combination
 12 of them, holds a controlling interest.

13 * **Sec. 23.** AS 39.50.050(a) is amended to read:

14 (a) The Alaska Public Offices Commission created under AS 15.13.020(a)
 15 shall administer the provisions of this chapter. The commission shall prepare and
 16 keep available for distribution [,] standardized forms on which the reports required by
 17 this chapter shall be filed. **Upon request of the commission, the information**
 18 **required under this chapter shall be submitted electronically.**

19 * **Sec. 24.** AS 15.13.072(d), 15.13.072(g); AS 24.45.116; and AS 24.60.031 are repealed.

20 * **Sec. 25.** The uncodified law of the State of Alaska is amended by adding a new section to
 21 read:

22 TRANSITION: REGULATIONS. Notwithstanding sec. 27 of this Act, the Alaska
 23 Public Offices Commission or the Department of Administration, as appropriate, may proceed
 24 to adopt regulations necessary to implement the changes made by this Act. The regulations
 25 take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date
 26 of the statutory change.

27 * **Sec. 26.** Section 25 of this Act takes effect immediately under AS 01.10.070(c).

28 * **Sec. 27.** Except as provided in sec. 26 of this Act, this Act takes effect July 1, 2003.