

**HOUSE BILL NO. 489**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - SECOND SESSION

**BY THE HOUSE FINANCE COMMITTEE**

**Introduced: 3/8/06**  
**Referred: Rules**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the exemption of charity events from regulation by the Alaska**  
2 **Public Offices Commission and to the treatment of charity events under the law**  
3 **governing legislative ethics; and providing for an effective date."**

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

5 **\* Section 1.** AS 24.45.161(a) is amended to read:

6 (a) This chapter does not apply to

7 (1) an individual

8 (A) who lobbies without payment of compensation or other  
9 consideration and makes no disbursement or expenditure for or on behalf of a  
10 public official to influence legislative or administrative action other than to pay  
11 the individual's reasonable personal travel and living expenses; and

12 (B) who limits lobbying activities to appearances before public  
13 sessions of the legislature, or its committees or subcommittees, or to public  
14 hearings or other public proceedings of state agencies;

1 (2) an elected or appointed state or municipal public officer or an  
 2 employee of the state or a municipality acting in an official capacity or within the  
 3 scope of employment;

4 (3) any newspaper or other periodical of general circulation, book  
 5 publisher, radio or television station (including an individual who owns, publishes, or  
 6 is employed by that newspaper or periodical, radio or television station) that publishes  
 7 news items, editorials, or other comments, or paid advertisements, that directly or  
 8 indirectly urge legislative or administrative action if the newspaper, periodical, book  
 9 publisher, radio or television station, or individual engages in no further or other  
 10 activities in connection with urging or advocating legislative or administrative action  
 11 other than to appear before public sessions of the legislature, or its committees or  
 12 subcommittees, or public hearings or other public proceedings of state agencies;

13 (4) a person who appears before the legislature or either house, or  
 14 standing, special, or interim committee, in response to an invitation issued under (c) of  
 15 this section;

16 **(5) a fundraising event sponsored by or on behalf of a charity and**  
 17 **approved in advance by the Alaska Legislative Council.**

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

19 (a) A legislator or legislative employee may not

20 (1) solicit, agree to accept, or accept a benefit other than official  
 21 compensation for the performance of public duties; this paragraph may not be  
 22 construed to prohibit lawful solicitation for and acceptance of campaign contributions,  
 23 **solicitation or acceptance of contributions for a charity event approved in**  
 24 **advance by the Alaska Legislative Council,** or the acceptance of a lawful gratuity  
 25 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 use of mailing lists, computer data, or other information  
4 lawfully obtained from a government agency and available to the general  
5 public for nonlegislative purposes;

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

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

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

24 (F) a legislator from use of legislative employees to prepare  
25 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 used  
28 for a state function;

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

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

1 (J) a legislator from soliciting, accepting, or receiving a gift on  
2 behalf of a recognized, nonpolitical charitable organization in a state facility;  
3 or

4 (K) a legislator from sending any communication in the form of  
5 a newsletter to the legislator's constituents, except a communication expressly  
6 advocating the election or defeat of a candidate or a newsletter or material in a  
7 newsletter that is clearly only for the private benefit of a legislator or a  
8 legislative employee;

9 **(L) full participation in a charity event approved in**  
10 **advance by the Alaska Legislative Council;**

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

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

21 (5) use or authorize the use of state funds, facilities, equipment,  
22 services, or another government asset or resource for the purpose of political fund  
23 raising or campaigning; 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 use of mailing lists, computer data, or other information  
29 lawfully obtained from a government agency and available to the general  
30 public for nonlegislative purposes;

31 (C) telephone or facsimile use that does not carry a special

1 charge;

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

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

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

14 \* **Sec. 3.** AS 24.60.080(c) is amended to read:

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

17 (1) hospitality, other than hospitality described in (4) of this  
18 subsection,

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

22 (B) at a social event or meal;

23 (2) discounts that are available

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

26 (B) when on official state business, but only if receipt of the  
27 discount benefits the state;

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

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

- 1 (5) gifts from the immediate family of the person;
- 2 (6) gifts that are not connected with the recipient's legislative status;
- 3 (7) a discount for all or part of a legislative session, including time  
4 immediately preceding or following the session, or other gift to welcome a legislator  
5 or legislative employee who is employed on the personal staff of a legislator or by a  
6 standing or special committee to the capital city or in recognition of the beginning of a  
7 legislative session if the gift or discount is available generally to all legislators and the  
8 personal staff of legislators and staff of standing and special committees; this  
9 paragraph does not apply to legislative employees who are employed by the  
10 Legislative Affairs Agency, the office of the chief clerk, the office of the senate  
11 secretary, the legislative budget and audit committee, or the office of the ombudsman;
- 12 (8) a gift of legal services in a matter of legislative concern and a gift  
13 of other services related to the provision of legal services in a matter of legislative  
14 concern;
- 15 (9) a gift of transportation from a legislator to a legislator if the  
16 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other  
17 means of transport owned or under the control of the donor; this paragraph does not  
18 apply to travel described in (4) of this subsection or travel for political campaign  
19 purposes; or
- 20 (10) a contribution to a charity event from any person or tickets  
21 from a lobbyist for a charity event at any time, including during a legislative session,  
22 except that tickets to or gifts received at a charity event under this paragraph, other  
23 than contributions to a charity event, are subject to the calendar year limit on the  
24 value of gifts received by a legislator or legislative employee in (a) of this section; in  
25 this paragraph, "charity event" means an event the proceeds of which go to a  
26 charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the  
27 Alaska Legislative Council has approved in advance; the tickets may entitle the bearer  
28 to admission to the event, to entertainment, to food or beverages, or to other gifts or  
29 services involved in the charity event.

30 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).