

SENATE CS FOR CS FOR HOUSE BILL NO. 489(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 3/22/06

Referred: Today's Calendar

Sponsor(s): HOUSE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the treatment of charity events by the Alaska Public Offices**
2 **Commission and under the law governing legislative ethics; relating to a legislative**
3 **employee's soliciting, accepting, or receiving a gift on behalf of a charitable**
4 **organization; and providing for an effective date."**

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

6 *** Section 1.** AS 24.45.121(a) is amended to read:

7 (a) A lobbyist may not

8 (1) engage in any activity as a lobbyist before registering under
9 AS 24.45.041;

10 (2) do anything with the intent of placing a public official under
11 personal obligation to the lobbyist or to the lobbyist's employer;

12 (3) intentionally deceive or attempt to deceive any public official with
13 regard to any material fact pertinent to pending or proposed legislative or
14 administrative action;

1 (4) cause or influence the introduction of a legislative measure solely
2 for the purpose of thereafter being employed to secure its passage or its defeat;

3 (5) cause a communication to be sent to a public official in the name of
4 any fictitious person or in the name of any real person, except with the consent of that
5 person;

6 (6) accept or agree to accept any payment in any way contingent upon
7 the defeat, enactment, or outcome of any proposed legislative or administrative action;

8 (7) serve as a member of a state board or commission, if the lobbyist's
9 employer may receive direct economic benefit from a decision of that board or
10 commission;

11 (8) serve as a campaign manager or director, serve as a campaign
12 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
13 fund-raising event, directly or indirectly collect contributions for, or deliver
14 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
15 legislative campaign or campaign for governor or lieutenant governor if the lobbyist
16 has registered, or is required to register, as a lobbyist under this chapter, during the
17 calendar year; this paragraph does not apply to a representational lobbyist as defined
18 in the regulations of the Alaska Public Offices Commission, and does not prohibit a
19 lobbyist from making personal contributions to a candidate as authorized by AS 15.13
20 or personally advocating on behalf of a candidate;

21 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a
22 person covered by AS 24.60, during a legislative session, a gift, other than food or
23 beverage for immediate consumption; **however, this paragraph does not prohibit a**
24 **lobbyist from providing, during a legislative session or at any other time of the**
25 **year, [EXCEPT FOR] tickets to a charity event described in AS 24.60.080(c)(10), or**
26 **a contribution to a charity event under AS 24.60.080(c)(11);**

27 (10) make or offer a gift or a campaign contribution whose acceptance
28 by the person to whom it is offered would violate AS 24.60.

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

30 (a) A legislator or legislative employee may not

31 (1) solicit, agree to accept, or accept a benefit other than official

1 compensation for the performance of public duties; this paragraph may not be
 2 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
 3 **solicitation or acceptance of contributions for a charity event, as defined in**
 4 **AS 24.60.080(c)(10)**, or the acceptance of a lawful gratuity under AS 24.60.080;

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

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

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

16 (C) telephone or facsimile use that does not carry a special
 17 charge;

18 (D) the legislative council, notwithstanding AS 24.05.190,
 19 from designating a public facility for use by legislators and legislative
 20 employees for health or fitness purposes; when the council designates a facility
 21 to be used by legislators and legislative employees for health or fitness
 22 purposes, it shall adopt guidelines governing access to and use of the facility;
 23 the guidelines may establish times in which use of the facility is limited to
 24 specific groups;

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

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

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

5 (G) a legislator from using state resources to transport
6 computers or other office equipment owned by the legislator but primarily used
7 for a state function;

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

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

11 (J) a legislator or legislative employee from soliciting,
12 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
13 organization in a state facility; [OR]

14 (K) a legislator from sending any communication in the form of
15 a newsletter to the legislator's constituents, except a communication expressly
16 advocating the election or defeat of a candidate or a newsletter or material in a
17 newsletter that is clearly only for the private benefit of a legislator or a
18 legislative employee; or

19 (L) full participation in a charity event approved in
20 advance by the Alaska Legislative Council;

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

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

31 (5) use or authorize the use of state funds, facilities, equipment,

1 services, or another government asset or resource for the purpose of political fund
2 raising or campaigning; this paragraph does not prohibit

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

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

10 (C) telephone or facsimile use that does not carry a special
11 charge;

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

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

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

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

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

27 (1) hospitality, other than hospitality described in (4) of this
28 subsection,

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

- 1 (B) at a social event or meal;
- 2 (2) discounts that are available
- 3 (A) generally to the public or to a large class of persons to
- 4 which the person belongs; or
- 5 (B) when on official state business, but only if receipt of the
- 6 discount benefits the state;
- 7 (3) food or foodstuffs indigenous to the state that are shared generally
- 8 as a cultural or social norm;
- 9 (4) travel and hospitality primarily for the purpose of obtaining
- 10 information on matters of legislative concern;
- 11 (5) gifts from the immediate family of the person;
- 12 (6) gifts that are not connected with the recipient's legislative status;
- 13 (7) a discount for all or part of a legislative session, including time
- 14 immediately preceding or following the session, or other gift to welcome a legislator
- 15 or legislative employee who is employed on the personal staff of a legislator or by a
- 16 standing or special committee to the capital city or in recognition of the beginning of a
- 17 legislative session if the gift or discount is available generally to all legislators and the
- 18 personal staff of legislators and staff of standing and special committees; this
- 19 paragraph does not apply to legislative employees who are employed by the
- 20 Legislative Affairs Agency, the office of the chief clerk, the office of the senate
- 21 secretary, the legislative budget and audit committee, or the office of the ombudsman;
- 22 (8) a gift of legal services in a matter of legislative concern and a gift
- 23 of other services related to the provision of legal services in a matter of legislative
- 24 concern;
- 25 (9) a gift of transportation from a legislator to a legislator if the
- 26 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other
- 27 means of transport owned or under the control of the donor; this paragraph does not
- 28 apply to travel described in (4) of this subsection or travel for political campaign
- 29 purposes; [OR]
- 30 (10) tickets from a lobbyist for a charity event at any time, including
- 31 during a legislative session, except that tickets to or gifts received at a charity event

1 under this paragraph are subject to the calendar year limit on the value of gifts
2 received by a legislator or legislative employee in (a) of this section; in this paragraph,
3 "charity event" means an event the proceeds of which go to a charitable organization
4 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council
5 has approved in advance; the tickets may entitle the bearer to admission to the event,
6 to entertainment, to food or beverages, or to other gifts or services involved in the
7 charity event; **or**

8 **(11) a contribution to a charity event from any person at anytime;**
9 **in this paragraph, "charity event" has the meaning given in (10) of this**
10 **subsection.**

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