

CS FOR HOUSE BILL NO. 281(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 1/22/08

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES LYNN AND GATTO

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the Alaska Public Offices Commission; relating to the Select
2 Committee on Legislative Ethics; relating to public officials' financial disclosure;
3 relating to certain records required to be kept by businesses, persons, or groups that
4 provide certain services, facilities, or supplies to a candidate or group involved in a state
5 election; relating to records of the reports required of candidates, groups, nongroup
6 entities, or persons under AS 15.13; relating to records required to be kept by certain
7 lobbyists and persons who employ, retain, or contract for the services of lobbyists; and
8 providing for an effective date."

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

10 * **Section 1.** AS 15.13.040(f) is amended to read:

11 (f) All [DURING EACH YEAR IN WHICH AN ELECTION OCCURS,
12 ALL] businesses, persons, or groups that furnish any of the following services,

1 facilities, or supplies to a candidate or group shall maintain a record of each
 2 transaction **for a period of six years from the date of the election**: newspapers,
 3 radio, television, advertising, advertising agency services, accounting, billboards,
 4 printing, secretarial, public opinion polls, or research and professional campaign
 5 consultation or management, media production or preparation, or computer services.
 6 Records of provision of services, facilities, or supplies shall be available for inspection
 7 by the commission.

8 * **Sec. 2.** AS 15.13 is amended by adding a new section to read:

9 **Sec. 15.13.111. Preservation of records.** (a) Each candidate, group, nongroup
 10 entity, or person required to report under this chapter shall preserve all records
 11 necessary to substantiate information required to be reported under this chapter for a
 12 period of six years from the date of the election for which the information was
 13 required to be reported.

14 (b) Information preserved under (a) of this section must be made available for
 15 inspection by the commission.

16 * **Sec. 3.** AS 15.13.380(b) is amended to read:

17 (b) A member of the commission, the commission's executive director, or a
 18 **registered voter** [PERSON] who believes a violation of this chapter or a regulation
 19 adopted under this chapter has occurred or is occurring may file an administrative
 20 complaint with the commission within **five years** [ONE YEAR] after the date of the
 21 alleged violation. If a member of the commission has filed the complaint, that member
 22 may not participate as a commissioner in any proceeding of the commission with
 23 respect to the complaint. The commission may consider a complaint on an expedited
 24 basis or a regular basis. **The time limitations of this subsection do not bar**
 25 **proceedings against a person who intentionally prevents discovery of a violation**
 26 **of this chapter.**

27 * **Sec. 4.** AS 24.45.111(a) is amended to read:

28 (a) A person required to register or report as a lobbyist **or as a person who**
 29 **employs, retains, or contracts for the services of a lobbyist** shall preserve all
 30 accounts, bills, receipts, books, papers, and documents necessary to substantiate the
 31 reports required to be made and filed under this chapter for a period of at least **six**

1 **years** [ONE YEAR] from the date of the filing of the report containing these items.
 2 These accounts, bills, receipts, books, papers, and other documents shall be made
 3 available for inspection by the commission, or members of its staff, at any time. If a
 4 lobbyist is required under the terms of the lobbyist's employment contract to turn any
 5 records over to the employer, responsibility for the preservation of these records under
 6 this section rests with the employer.

7 * **Sec. 5.** AS 24.45.131(a) is amended to read:

8 (a) The commission or its staff shall examine each statement or report filed
 9 under this chapter within 10 days after the date it is filed. A person required to file a
 10 statement or report under this chapter shall be notified immediately if

11 (1) it appears that the person has failed to file a statement or report as
 12 required by law or that the statement or report filed does not conform to the
 13 requirements of this chapter; or

14 (2) a written complaint is filed with the commission by any **registered**
 15 [QUALIFIED] voter alleging that a statement or report filed with the commission does
 16 not conform to the requirements of this chapter, or to the truth, or that a person subject
 17 to the provisions of this chapter has failed to file a statement or report in the manner
 18 prescribed by this chapter.

19 * **Sec. 6.** AS 24.45.131 is amended by adding a new subsection to read:

20 (d) If a member of the commission or a member of its staff files a complaint,
 21 that member of the commission or member of its staff may not participate in any
 22 proceeding of the commission relating to the complaint.

23 * **Sec. 7.** AS 24.45 is amended by adding a new section to read:

24 **Sec. 24.45.135. Administrative complaints.** (a) A registered voter, including
 25 a member of the commission or the commission's executive director, may file a
 26 written complaint alleging that a violation of AS 24.45.121 - 24.45.171 has occurred
 27 or is occurring.

28 (b) Complaints filed under (a) of this section must be filed within five years
 29 after the date of the alleged violation.

30 * **Sec. 8.** AS 24.60.170(a) is amended to read:

31 (a) The committee shall consider a complaint alleging a violation of this

1 chapter if the alleged violation occurred within five [TWO] years before the date that
 2 the complaint is filed with the committee [AND, WHEN THE SUBJECT OF THE
 3 COMPLAINT IS A FORMER MEMBER OF THE LEGISLATURE, THE
 4 COMPLAINT IS FILED WITHIN ONE YEAR AFTER THE SUBJECT'S
 5 DEPARTURE FROM THE LEGISLATURE]. The committee may not consider a
 6 complaint filed against all members of the legislature, against all members of one
 7 house of the legislature, or against a person employed by the legislative branch of
 8 government after the person has terminated legislative service. However, the
 9 committee may reinstitute proceedings concerning a complaint that was closed
 10 because a former employee terminated legislative service [OR BECAUSE A
 11 LEGISLATOR LEFT THE LEGISLATURE] if the former employee [OR
 12 LEGISLATOR] resumes legislative service, whether as an employee or a legislator,
 13 within five [TWO] years after the alleged violation. The time limitations of this
 14 subsection do not bar proceedings against a person who intentionally prevents
 15 discovery of a violation of this chapter.

16 * **Sec. 9.** AS 24.60 is amended by adding a new section to read:

17 **Sec. 24.60.255. Administrative complaints.** (a) A registered voter, including
 18 a member of the Alaska Public Offices Commission or the commission's executive
 19 director, may file a written complaint alleging a violation of AS 24.60.200 - 24.60.260
 20 has occurred or is occurring.

21 (b) Complaints filed under (a) of this section must be filed within five years
 22 after the date of the alleged violation.

23 (c) If a member of the Alaska Public Offices Commission or a member of its
 24 staff files a complaint, that member of the commission or member of its staff may not
 25 participate in any proceeding of the commission relating to the complaint.

26 * **Sec. 10.** AS 39.50 is amended by adding a new section to read:

27 **Sec. 39.50.055. Administrative complaints.** (a) A registered voter, including
 28 a member of the Alaska Public Offices Commission or the commission's executive
 29 director, may file a written complaint alleging a violation of this chapter has occurred
 30 or is occurring.

31 (b) Complaints filed under (a) of this section must be filed within five years

1 after the date of the alleged violation.

2 (c) If a member of the Alaska Public Offices Commission or a member of its
3 staff files a complaint, that member of the commission or member of its staff may not
4 participate in any proceeding of the commission relating to the complaint.

5 * **Sec. 11.** AS 39.50.100 is amended to read:

6 **Sec. 39.50.100. Enforcement by private citizens.** A registered
7 [QUALIFIED] Alaska voter may bring a civil action to enforce any of the sections of
8 this chapter.

9 * **Sec. 12.** AS 39.50.100 is amended by adding a new subsection to read:

10 (b) An action brought under (a) of this section must be brought within five
11 years after the date of the alleged violation.

12 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:

14 APPLICABILITY. (a) AS 15.13.040(f), as amended by sec. 1 of this Act, applies to
15 records of transactions made on or after the effective date of sec. 1 of this Act.

16 (b) AS 15.13.380(b), as amended by sec. 3 of this Act, applies to administrative
17 complaints alleging violations of AS 15.13 or the regulations adopted under that chapter that
18 occurred

19 (1) within one year before the effective date of sec. 3 of this Act; or

20 (2) on or after the effective date of sec. 3 of this Act.

21 (c) AS 15.13.111, added by sec. 2 of this Act, applies to records for elections on or
22 after the effective date of sec. 2 of this Act.

23 (d) AS 24.45.111(a), as amended by sec. 4 of this Act, applies to reports required to
24 be made and filed on or after the effective date of sec. 4 of this Act.

25 (e) AS 24.45.135, added by sec. 7 of this Act, applies to complaints alleging
26 violations of AS 24.45.121 - 24.45.171 that occur on or after the effective date of sec. 7 of this
27 Act.

28 (f) AS 24.60.170(a), as amended by sec. 8 of this Act, applies to complaints alleging
29 violations of AS 24.60 that occurred

30 (1) within two years before the effective date of sec. 8 of this Act; or

31 (2) on or after the effective date of sec. 8 this Act.

1 (g) AS 24.60.255, added by sec. 9 of this Act, applies to complaints alleging
2 violations of AS 24.60.200 - 24.60.260 that occur on or after the effective date of sec. 9 of this
3 Act.

4 (h) AS 39.50.055, added by sec. 10 of this Act, applies to complaints alleging a
5 violation of AS 39.50 on or after the effective date of sec. 10 of this Act.

6 (i) AS 39.50.100, as amended by secs. 11 and 12 of this Act, applies to actions
7 alleging violations of AS 39.50 that occur on or after the effective date of secs. 11 and 12 of
8 this Act.

9 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
10 read:

11 **TRANSITION: REGULATIONS.** The Alaska Public Offices Commission may
12 immediately adopt regulations as are necessary to implement the changes made by this Act.
13 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before
14 January 1, 2009.

15 * **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

16 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2009.