

CS FOR HOUSE BILL NO. 281(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/20/08

Referred: Finance

Sponsor(s): REPRESENTATIVES LYNN AND GATTO

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the preservation of records required to be kept by candidates,
2 groups, nongroup entities, or persons under AS 15.13; relating to records required to be
3 kept by certain lobbyists and persons who employ, retain, or contract for the services of
4 lobbyists; relating to complaints filed with the Select Committee on Legislative Ethics;
5 relating to administrative complaints filed with the Alaska Public Offices Commission;
6 relating to the statute of limitations for civil actions brought under AS 39.50; extending
7 the statute of limitations for prosecutions of violations of the Alaska Election Code; 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 is amended by adding a new section to read:

11 **Sec. 15.13.111. Preservation of records.** (a) Each candidate, group, nongroup
12 entity, or person required to report under this chapter shall preserve all records

1 necessary to substantiate information required to be reported under this chapter for a
 2 period of six years from the date of the election for which the information was
 3 required to be reported, unless the records have been submitted to the commission
 4 under (c) of this section.

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

7 (c) A candidate for state elected office who was not elected or a person who
 8 has left state elected office may submit the records required to be preserved under (a)
 9 of this section to the commission electronically. Records submitted under this
 10 subsection shall be preserved by the commission for a period of six years from the
 11 date of the election for which the information was required to be reported.

12 * **Sec. 2.** AS 15.13.380(b) is amended to read:

13 (b) A [MEMBER OF THE COMMISSION, THE COMMISSION'S
 14 EXECUTIVE DIRECTOR, OR A] person who believes a violation of this chapter or a
 15 regulation adopted under this chapter has occurred or is occurring may file an
 16 administrative complaint with the commission within **five years** [ONE YEAR] after
 17 the date of the alleged violation. If a member of the commission has filed the
 18 complaint, that member may not participate as a commissioner in any proceeding of
 19 the commission with respect to the complaint. The commission may consider a
 20 complaint on an expedited basis or a regular basis. **The time limitations of this**
 21 **subsection do not bar proceedings against a person who intentionally prevents**
 22 **discovery of a violation of this chapter.**

23 * **Sec. 3.** AS 24.45.111(a) is amended to read:

24 (a) A person required to register or report as a lobbyist **or as a person who**
 25 **employs, retains, or contracts for the services of a lobbyist** shall preserve all
 26 accounts, bills, receipts, books, papers, and documents necessary to substantiate the
 27 reports required to be made and filed under this chapter for a period of at least **six**
 28 **years** [ONE YEAR] from the date of the filing of the report containing these items.
 29 These accounts, bills, receipts, books, papers, and other documents shall be made
 30 available for inspection by the commission, or members of its staff, at any time. If a
 31 lobbyist is required under the terms of the lobbyist's employment contract to turn any

1 records over to the employer, responsibility for the preservation of these records under
2 this section rests with the employer.

3 * **Sec. 4.** AS 24.45.131(a) is amended to read:

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

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

10 (2) a written complaint is filed with the commission by any **person**
11 [QUALIFIED VOTER] alleging that a statement or report filed with the commission
12 does not conform to the requirements of this chapter, or to the truth, or that a person
13 subject to the provisions of this chapter has failed to file a statement or report in the
14 manner prescribed by this chapter.

15 * **Sec. 5.** AS 24.45.131 is amended by adding a new subsection to read:

16 (d) If a member of the commission files a complaint, that member of the
17 commission may not participate in any proceeding of the commission relating to the
18 complaint.

19 * **Sec. 6.** AS 24.45 is amended by adding a new section to read:

20 **Sec. 24.45.135. Administrative complaints.** (a) A person may file a written
21 complaint alleging that a violation of AS 24.45.121 - 24.45.171 has occurred or is
22 occurring.

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

25 * **Sec. 7.** AS 24.60.170(a) is amended to read:

26 (a) The committee shall consider a complaint alleging a violation of this
27 chapter if the alleged violation occurred within **five** [TWO] years before the date that
28 the complaint is filed with the committee [AND, WHEN THE SUBJECT OF THE
29 COMPLAINT IS A FORMER MEMBER OF THE LEGISLATURE, THE
30 COMPLAINT IS FILED WITHIN ONE YEAR AFTER THE SUBJECT'S
31 DEPARTURE FROM THE LEGISLATURE]. The committee may not consider a

1 complaint filed against all members of the legislature, against all members of one
2 house of the legislature, or against a person employed by the legislative branch of
3 government after the person has terminated legislative service. However, the
4 committee may reinstitute proceedings concerning a complaint that was closed
5 because a former employee terminated legislative service [OR BECAUSE A
6 LEGISLATOR LEFT THE LEGISLATURE] if the former employee [OR
7 LEGISLATOR] resumes legislative service, whether as an employee or a legislator,
8 within **five** [TWO] years after the alleged violation. The time limitations of this
9 subsection do not bar proceedings against a person who intentionally prevents
10 discovery of a violation of this chapter.

11 * **Sec. 8.** AS 24.60 is amended by adding a new section to read:

12 **Sec. 24.60.255. Administrative complaints.** (a) A person may file a written
13 complaint alleging a violation of AS 24.60.200 - 24.60.260 has occurred or is
14 occurring.

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

17 (c) If a member of the Alaska Public Offices Commission files a complaint,
18 that member of the commission may not participate in any proceeding of the
19 commission relating to the complaint.

20 * **Sec. 9.** AS 39.50 is amended by adding a new section to read:

21 **Sec. 39.50.055. Administrative complaints.** (a) A person may file a written
22 complaint alleging a violation of this chapter has occurred or is occurring.

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

25 (c) If a member of the Alaska Public Offices Commission files a complaint,
26 that member of the commission may not participate in any proceeding of the
27 commission relating to the complaint.

28 * **Sec. 10.** AS 39.50.100 is amended by adding a new subsection to read:

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

31 * **Sec. 11.** AS 15.56.130 is repealed.

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

3 APPLICABILITY. (a) AS 15.13.380(b), as amended by sec. 2 of this Act, applies to
4 administrative complaints alleging violations of AS 15.13 or the regulations adopted under
5 that chapter that occurred

6 (1) within one year before the effective date of sec. 2 of this Act; or

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

8 (b) AS 15.13.111, added by sec. 1 of this Act, applies to records for elections on or
9 after the effective date of sec. 1 of this Act.

10 (c) AS 24.45.111(a), as amended by sec. 3 of this Act, applies to reports required to
11 be made and filed on or after the effective date of sec. 3 of this Act.

12 (d) AS 24.45.135, added by sec. 6 of this Act, applies to complaints alleging
13 violations of AS 24.45.121 - 24.45.171 that occur on or after the effective date of sec. 6 of this
14 Act.

15 (e) AS 24.60.170(a), as amended by sec. 7 of this Act, applies to complaints alleging
16 violations of AS 24.60 that occurred

17 (1) within two years before the effective date of sec. 7 of this Act; or

18 (2) on or after the effective date of sec. 7 this Act.

19 (f) AS 24.60.255, added by sec. 8 of this Act, applies to complaints alleging
20 violations of AS 24.60.200 - 24.60.260 that occur on or after the effective date of sec. 8 of this
21 Act.

22 (g) AS 39.50.055, added by sec. 9 of this Act, applies to complaints alleging a
23 violation of AS 39.50 on or after the effective date of sec. 9 of this Act.

24 (h) AS 39.50.100, as amended by sec. 10 of this Act, applies to actions alleging
25 violations of AS 39.50 that occur on or after the effective date of sec. 10 of this Act.

26 (i) The change in the time limitation for prosecutions for offenses described in
27 AS 15.05 - AS 15.60 (Alaska Election Code) made by sec. 11 of this Act applies to

28 (1) offenses committed in connection with an election occurring within one
29 year before the effective date of this Act; or

30 (2) offenses committed on or after the effective date of this Act.

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

1 read:

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

6 * **Sec. 14.** Section 13 of this Act takes effect immediately under AS 01.10.070(c).

7 * **Sec. 15.** Except as provided in sec. 14 of this Act, this Act takes effect January 1, 2009.