

CS FOR HOUSE BILL NO. 281(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/4/08

Referred: Rules

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;**
8 **requiring the disclosure of the identity of certain candidates, groups, nongroup entities,**
9 **and persons paying for certain polls mentioning the name of a political party or the**
10 **names of certain candidates for state or municipal office; and providing for an effective**
11 **date."**

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

1 * **Section 1.** AS 15.13 is amended by adding a new section to read:

2 **Sec. 15.13.092. Identification of certain polls.** (a) All opinion polls that
3 mention a candidate in an election occurring under this chapter or that mention a
4 political party in the 60 days preceding an election, must clearly identify the name of
5 any candidate, group, nongroup entity, or person paying for the poll, in whole or in
6 part, followed by the words "This poll is paid for by persons interested in the outcome
7 of the election."

8 (b) The person conducting the poll must provide a toll-free or local telephone
9 number that can be called to obtain the information in this section.

10 * **Sec. 2.** 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
13 necessary to substantiate information required to be reported under this chapter for a
14 period of six years from the date of the election for which the information was
15 required to be reported, unless the records have been submitted to the commission
16 under (c) of this section.

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

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

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

25 (b) A [MEMBER OF THE COMMISSION, THE COMMISSION'S
26 EXECUTIVE DIRECTOR, OR A] person who believes a violation of this chapter or a
27 regulation adopted under this chapter has occurred or is occurring may file an
28 administrative complaint with the commission within **five years** [ONE YEAR] after
29 the date of the alleged violation. If a member of the commission has filed the
30 complaint, that member may not participate as a commissioner in any proceeding of
31 the commission with respect to the complaint. The commission may consider a

1 complaint on an expedited basis or a regular basis. **The time limitations of this**
 2 **subsection do not bar proceedings against a person who intentionally prevents**
 3 **discovery of a violation of this chapter.**

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

5 (a) A person required to register or report as a lobbyist **or as a person who**
 6 **employs, retains, or contracts for the services of a lobbyist** shall preserve all
 7 accounts, bills, receipts, books, papers, and documents necessary to substantiate the
 8 reports required to be made and filed under this chapter for a period of at least **six**
 9 **years** [ONE YEAR] from the date of the filing of the report containing these items.
 10 These accounts, bills, receipts, books, papers, and other documents shall be made
 11 available for inspection by the commission, or members of its staff, at any time. If a
 12 lobbyist is required under the terms of the lobbyist's employment contract to turn any
 13 records over to the employer, responsibility for the preservation of these records under
 14 this section rests with the employer.

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

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

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

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

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

28 (d) If a member of the commission files a complaint, that member of the
 29 commission may not participate in any proceeding of the commission relating to the
 30 complaint.

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

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

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

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

7 (a) The committee shall consider a complaint alleging a violation of this
8 chapter if the alleged violation occurred within five [TWO] years before the date that
9 the complaint is filed with the committee [AND, WHEN THE SUBJECT OF THE
10 COMPLAINT IS A FORMER MEMBER OF THE LEGISLATURE, THE
11 COMPLAINT IS FILED WITHIN ONE YEAR AFTER THE SUBJECT'S
12 DEPARTURE FROM THE LEGISLATURE]. The committee may not consider a
13 complaint filed against all members of the legislature, against all members of one
14 house of the legislature, or against a person employed by the legislative branch of
15 government after the person has terminated legislative service. However, the
16 committee may reinstitute proceedings concerning a complaint that was closed
17 because a former employee terminated legislative service [OR BECAUSE A
18 LEGISLATOR LEFT THE LEGISLATURE] if the former employee [OR
19 LEGISLATOR] resumes legislative service, whether as an employee or a legislator,
20 within five [TWO] years after the alleged violation. 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. 9.** AS 24.60 is amended by adding a new section to read:

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

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

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

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

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

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

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

9 * **Sec. 11.** 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. 12.** AS 15.56.130 is repealed.

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

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

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

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

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

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

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

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

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

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

31 (f) AS 24.60.255, added by sec. 9 of this Act, applies to complaints alleging

1 violations of AS 24.60.200 - 24.60.260 that occur on or after the effective date of sec. 9 of this
2 Act.

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

5 (h) AS 39.50.100, as amended by sec. 11 of this Act, applies to actions alleging
6 violations of AS 39.50 that occur on or after the effective date of sec. 11 of this Act.

7 (i) The change in the time limitation for prosecutions for offenses described in
8 AS 15.05 - AS 15.60 (Alaska Election Code) made by sec. 12 of this Act applies to

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

11 (2) offenses committed on or after the effective date of sec. 12 of this Act.

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

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

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

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