

CS FOR HOUSE BILL NO. 281(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 4/5/08

Referred: Rules

Sponsor(s): REPRESENTATIVES LYNN AND GATTO

A BILL

FOR AN ACT ENTITLED

1 **"An Act requiring candidates to disclose certain information about all contributors**
2 **under AS 15.13; relating to the preservation of records required to be kept by**
3 **candidates, groups, nongroup entities, or persons under AS 15.13; relating to records**
4 **required to be kept by certain lobbyists and persons who employ, retain, or contract for**
5 **the services of lobbyists; relating to complaints filed with the Select Committee on**
6 **Legislative Ethics; relating to administrative complaints filed with the Alaska Public**
7 **Offices Commission; relating to the statute of limitations for civil actions brought under**
8 **AS 39.50; extending the statute of limitations for prosecutions of violations of the Alaska**
9 **Election Code; and providing for an effective date."**

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

11 * **Section 1.** AS 15.13.040(a) is amended to read:

12 (a) Except as provided in (g) and (l) of this section, each candidate shall make

1 a full report, upon a form prescribed by the commission,

2 (1) listing

3 (A) the date and amount of all expenditures made by the
4 candidate;

5 (B) the total amount of all contributions, including all funds
6 contributed by the candidate;

7 (C) the name, address, date, and amount contributed by each
8 contributor; and

9 (D) [FOR CONTRIBUTIONS IN EXCESS OF \$250 IN THE
10 AGGREGATE DURING A CALENDAR YEAR,] the principal occupation
11 and employer of the contributor; and

12 (2) filed in accordance with AS 15.13.110 and certified correct by the
13 candidate or campaign treasurer.

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

15 **Sec. 15.13.111. Preservation of records.** (a) Each candidate, group, nongroup
16 entity, or person required to report under this chapter shall preserve all records
17 necessary to substantiate information required to be reported under this chapter for a
18 period of six years from the date of the election for which the information was
19 required to be reported, unless the records have been submitted to the commission
20 under (c) of this section.

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

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

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

29 (b) A [MEMBER OF THE COMMISSION, THE COMMISSION'S
30 EXECUTIVE DIRECTOR, OR A] person who believes a violation of this chapter or a
31 regulation adopted under this chapter has occurred or is occurring may file an

1 administrative complaint with the commission within **five years** [ONE YEAR] after
 2 the date of the alleged violation. If a member of the commission has filed the
 3 complaint, that member may not participate as a commissioner in any proceeding of
 4 the commission with respect to the complaint. The commission may consider a
 5 complaint on an expedited basis or a regular basis. **The time limitations of this**
 6 **subsection do not bar proceedings against a person who intentionally prevents**
 7 **discovery of a violation of this chapter.**

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

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

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

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

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

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

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

1 (d) If a member of the commission files a complaint, that member of the
 2 commission may not participate in any proceeding of the commission relating to the
 3 complaint.

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

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

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

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

11 (a) The committee shall consider a complaint alleging a violation of this
 12 chapter if the alleged violation occurred within five [TWO] years before the date that
 13 the complaint is filed with the committee [AND, WHEN THE SUBJECT OF THE
 14 COMPLAINT IS A FORMER MEMBER OF THE LEGISLATURE, THE
 15 COMPLAINT IS FILED WITHIN ONE YEAR AFTER THE SUBJECT'S
 16 DEPARTURE FROM THE LEGISLATURE]. The committee may not consider a
 17 complaint filed against all members of the legislature, against all members of one
 18 house of the legislature, or against a person employed by the legislative branch of
 19 government after the person has terminated legislative service. However, the
 20 committee may reinstitute proceedings concerning a complaint that was closed
 21 because a former employee terminated legislative service [OR BECAUSE A
 22 LEGISLATOR LEFT THE LEGISLATURE] if the former employee [OR
 23 LEGISLATOR] resumes legislative service, whether as an employee or a legislator,
 24 within five [TWO] years after the alleged violation. The time limitations of this
 25 subsection do not bar proceedings against a person who intentionally prevents
 26 discovery of a violation of this chapter.

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

28 **Sec. 24.60.255. Administrative complaints.** (a) A person may file a written
 29 complaint alleging a violation of AS 24.60.200 - 24.60.260 has occurred or is
 30 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 files a complaint,
3 that member of the commission may not participate in any proceeding of the
4 commission relating to the complaint.

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

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

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

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

13 * **Sec. 11.** AS 39.50.100 is amended by adding a new subsection to read:

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

16 * **Sec. 12.** AS 15.56.130 is repealed.

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

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

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

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

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

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

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

31 (e) AS 24.60.170(a), as amended by sec. 8 of this Act, applies to complaints alleging

1 violations of AS 24.60 that occurred

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

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

4 (f) AS 24.60.255, added by sec. 9 of this Act, applies to complaints alleging
5 violations of AS 24.60.200 - 24.60.260 that occur on or after the effective date of sec. 9 of this
6 Act.

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

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

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

13 (1) offenses committed in connection with an election occurring within one
14 year before the effective date of sec. 12 of this Act; or

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

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

18 TRANSITION: REGULATIONS. The Alaska Public Offices Commission may
19 immediately adopt regulations as are necessary to implement the changes made by secs. 2 - 13
20 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but
21 not before January 1, 2009.

22 * **Sec. 15.** Sections 1 and 14 of this Act take effect immediately under AS 01.10.070(c).

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