

HOUSE BILL NO. 318

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE GATTO

Introduced: 1/15/08

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the location of the convening of the legislature in a special session;**
2 **and providing for an effective date."**

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

4 *** Section 1.** AS 15.13.072(d) is amended to read:

5 (d) A candidate or an individual who has filed with the commission the
6 document necessary to permit that individual to incur election-related expenses under
7 AS 15.13.100 for election or reelection to the state legislature may not solicit or accept
8 a contribution while the legislature is convened in a regular or special legislative
9 session unless the solicitation or acceptance occurs

10 (1) during the 90 days immediately preceding an election in which the
11 candidate or individual is a candidate; and

12 (2) in a place other than the

13 **(A) capital city if the legislature is in regular session; or**

14 **(B) municipality or other location of the session if the**

1 **legislature is in special session.**

2 * **Sec. 2.** AS 15.13.072(g) is amended to read:

3 (g) A candidate or an individual who has filed with the commission the
4 document necessary to permit that individual to incur election-related expenses under
5 AS 15.13.100 for election or reelection to the office of governor or lieutenant governor
6 may not solicit or accept a contribution in the

7 **(1) capital city while the legislature is convened in a regular [OR**
8 **SPECIAL] legislative session; or**

9 **(2) municipality or other location of the session while the**
10 **legislature is convened in a special session.**

11 * **Sec. 3.** AS 24.05.100(b) is amended to read:

12 (b) A special session may be held **only** at **a** [ANY] location **on the**
13 **interconnected state road system** [IN THE STATE]. If a special session **is** called
14 under (a)(1) of this section [IS TO BE CONVENED AT A LOCATION OTHER
15 THAN AT THE CAPITAL], the governor shall designate the location in the
16 proclamation. If a special session **is** called under (a)(2) of this section [IS TO BE
17 CONVENED AT A LOCATION OTHER THAN AT THE CAPITAL], the presiding
18 officers shall agree to and designate the location in the poll conducted of the members
19 of both houses.

20 * **Sec. 4.** AS 24.10.030 is amended to read:

21 **Sec. 24.10.030. Chief clerk and senate secretary.** Each house shall select
22 from outside its membership a person of known stenographic and administrative
23 ability to serve as chief administrative clerk; a chief clerk in the house of
24 representatives and a secretary in the senate. When nominated and elected in
25 conformity with the uniform rules, they continue to serve for the duration of the
26 legislature at the pleasure of the house to which assigned. Pending the organization of
27 a new legislature, they may continue to serve at the request and direction of the
28 legislative council until their respective houses formally reappoint or replace them.
29 The chief clerk and senate secretary are responsible for the performance of duties
30 provided for by law, the uniform rules, and orders of the house. They may be
31 requested to report to the legislative council for duty for a period not to exceed two

1 weeks immediately preceding the convening of the session and shall remain at the
2 **location of the session** [CAPITAL] until the completion of their work **relating to**
3 **that session** [IS DETERMINED BY THE DIRECTOR OF THE COUNCIL].

4 * **Sec. 5.** AS 24.45.041(b) is amended to read:

5 (b) The registration form prescribed by the commission must include

6 (1) the lobbyist's full name and complete permanent residence and
7 business address and telephone number, as well as any temporary residential and
8 business address and telephone number in the **location of the session** [STATE
9 CAPITAL] during a legislative session;

10 (2) the full name and complete address of each person by whom the
11 lobbyist is retained or employed;

12 (3) whether the person from whom the lobbyist receives compensation
13 employs the person solely as a lobbyist or whether the person is a regular employee
14 performing other services for the employer that include but are not limited to the
15 influencing of legislative or administrative action;

16 (4) the nature or form of the lobbyist's compensation for engaging in
17 lobbying, including salary, fees, or reimbursement for expenses received in
18 consideration for, or directly in support of or in connection with, the influencing of
19 legislative or administrative action;

20 (5) a general description of the subjects or matters on which the
21 registrant expects to lobby or to engage in the influencing of legislative or
22 administrative action;

23 (6) the full name and complete address of the person, if other than the
24 registrant, who has custody of the accounts, books, papers, bills, receipts, and other
25 documents required to be maintained under this chapter;

26 (7) the identification of a legislative employee or public official to
27 whom the lobbyist is married or who is the domestic partner of the lobbyist;

28 (8) a sworn affirmation by the lobbyist that the lobbyist has completed
29 the training course administered by the commission under AS 24.45.031(a) within the
30 12-month period preceding the date of registration or registration renewal under this
31 chapter, except that this paragraph does not apply to a person who is a representational

1 lobbyist as defined under regulations of the commission;

2 (9) a sworn affirmation by the lobbyist that the lobbyist has not been
3 previously convicted of a felony involving moral turpitude; in this paragraph, "felony
4 involving moral turpitude" has the meaning given in AS 15.60.010, and includes
5 convictions for a violation of the law of this state or a violation of the law of another
6 jurisdiction with elements similar to a felony involving moral turpitude in this state.

7 * **Sec. 6.** AS 24.60.030(a) is amended to read:

8 (a) A legislator or legislative employee may not

9 (1) solicit, agree to accept, or accept a benefit other than official
10 compensation for the performance of public duties; this paragraph may not be
11 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
12 solicitation or acceptance of contributions for a charity event, as defined in
13 AS 24.60.080(a)(2)(B), or the acceptance of a lawful gratuity under AS 24.60.080;

14 (2) use public funds, facilities, equipment, services, or another
15 government asset or resource for a nonlegislative purpose, for involvement in or
16 support of or opposition to partisan political activity, or for the private benefit of
17 [EITHER] the legislator, legislative employee, or another person; this paragraph does
18 not prohibit

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

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

26 (C) the legislative council, notwithstanding AS 24.05.190, from
27 designating a public facility for use by legislators and legislative employees for
28 health or fitness purposes; when the council designates a facility to be used by
29 legislators and legislative employees for health or fitness purposes, it shall
30 adopt guidelines governing access to and use of the facility; the guidelines may
31 establish times in which use of the facility is limited to specific groups;

1 (D) a legislator from using the legislator's private office [IN
2 THE CAPITAL CITY] during a legislative session, and for the 10 days
3 immediately before and the 10 days immediately after a legislative session, for
4 nonlegislative purposes if the use does not interfere with the performance of
5 public duties and if there is no cost to the state for the use of the space and
6 equipment, other than utility costs and minimal wear and tear, or the legislator
7 promptly reimburses the state for the cost; an office is considered a legislator's
8 private office under this subparagraph if it is the primary space in the **location**
9 **of the session** [CAPITAL CITY] reserved for use by the legislator, whether or
10 not it is shared with others;

11 (E) a legislator from use of legislative employees to prepare
12 and send out seasonal greeting cards;

13 (F) a legislator from using state resources to transport
14 computers or other office equipment owned by the legislator but primarily used
15 for a state function;

16 (G) use by a legislator of photographs of that legislator;

17 (H) reasonable use of the Internet by a legislator or a legislative
18 employee except if the use is for election campaign purposes;

19 (I) a legislator or legislative employee from soliciting,
20 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
21 organization in a state facility;

22 (J) a legislator from sending any communication in the form of
23 a newsletter to the legislator's constituents, except a communication expressly
24 advocating the election or defeat of a candidate or a newsletter or material in a
25 newsletter that is clearly only for the private benefit of a legislator or a
26 legislative employee; or

27 (K) full participation in a charity event approved in advance by
28 the Alaska Legislative Council;

29 (3) knowingly seek, accept, use, allocate, grant, or award public funds
30 for a purpose other than that approved by law, or make a false statement in connection
31 with a claim, request, or application for compensation, reimbursement, or travel

1 allowances from public funds;

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

8 (5) use or authorize the use of state funds, facilities, equipment,
9 services, or another government asset or resource for the purpose of political fund
10 raising or campaigning; this paragraph does not prohibit

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

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

18 (C) storing or maintaining, consistent with (b) of this section,
19 election campaign records in a legislator's office;

20 (D) a legislator from using the legislator's private office [IN
21 THE CAPITAL CITY] during a legislative session, and for the 10 days
22 immediately before and the 10 days immediately after a legislative session, for
23 nonlegislative purposes if the use does not interfere with the performance of
24 public duties and if there is no cost to the state for the use of the space and
25 equipment, other than utility costs and minimal wear and tear, or the legislator
26 promptly reimburses the state for the cost; an office is considered a legislator's
27 private office under this subparagraph if it is the primary space in the **location**
28 **of the session** [CAPITAL CITY] reserved for use by the legislator, whether or
29 not it is shared with others; or

30 (E) use by a legislator of photographs of that legislator.

31 * **Sec. 7.** AS 24.60.031(a) is amended to read:

1 (a) A legislator or legislative employee may not

2 (1) on a day when either house of the legislature is in regular or special
3 session, solicit or accept a contribution or a promise or pledge to make a contribution
4 for a campaign for the state legislature; however, a legislator or legislative employee
5 may, except in the capital city **during a regular session or in the location of the**
6 **session during a special session**, solicit or accept a contribution, promise, or pledge
7 for a campaign for the state legislature that occurs during the 90 days immediately
8 preceding an election;

9 (2) accept money from an event held on a day when either house of the
10 legislature is in regular or special session if a substantial purpose of the event is to
11 raise money on behalf of the member or legislative employee for state legislative
12 political purposes; however, this paragraph does not prohibit a legislator or legislative
13 employee from accepting money from an event held in a place other than the **location**
14 **of the session** [CAPITAL CITY] during the 90 days immediately preceding an
15 election; or

16 (3) in a campaign for the state legislature, expend money that was
17 raised on a day when either house of the legislature was in a legislative session by or
18 on behalf of a legislator under a declaration of candidacy or a general letter of intent to
19 become a candidate for public office; however, this paragraph does not apply to
20 money raised in a place other than the **location of the session** [CAPITAL CITY]
21 during the 90 days immediately preceding an election.

22 * **Sec. 8.** AS 24.60.080(c) is amended to read:

23 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section
24 for a person who is a legislator or legislative employee to accept

25 (1) hospitality, other than hospitality described in (4) of this
26 subsection,

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

30 (B) at a social event or meal;

31 (2) discounts that are available

1 (A) generally to the public or to a large class of persons to
2 which the person belongs; or

3 (B) when on official state business, but only if receipt of the
4 discount benefits the state;

5 (3) food or foodstuffs indigenous to the state that are shared generally
6 as a cultural or social norm;

7 (4) travel and hospitality primarily for the purpose of obtaining
8 information on matters of legislative concern;

9 (5) gifts from the immediate family of the person; in this paragraph,
10 "immediate family" means

11 (A) the spouse of the person;

12 (B) the person's domestic partner;

13 (C) a child, including a stepchild and an adoptive child, of the
14 person or of the person's domestic partner;

15 (D) a parent, sibling, grandparent, aunt, or uncle of the person;

16 (E) a parent, sibling, grandparent, aunt, or uncle of the person's
17 spouse or the person's domestic partner; and

18 (F) a stepparent, stepsister, stepbrother, step-grandparent, step-
19 aunt, or step-uncle of the person, the person's spouse, or the person's domestic
20 partner;

21 (6) gifts that are not connected with the recipient's legislative status;

22 (7) a discount for all or part of a legislative session, including time
23 immediately preceding or following the session, or other gift to welcome a legislator
24 or legislative employee who is employed on the personal staff of a legislator or by a
25 standing or special committee to the **location of the session** [CAPITAL CITY] or in
26 recognition of the beginning of a legislative session if the gift or discount is available
27 generally to all legislators and the personal staff of legislators and staff of standing and
28 special committees; this paragraph does not apply to legislative employees who are
29 employed by the Legislative Affairs Agency, the office of the chief clerk, the office of
30 the senate secretary, the legislative budget and audit committee, the office of victims'
31 rights, or the office of the ombudsman;

1 (8) a gift of legal services in a matter of legislative concern and a gift
2 of other services related to the provision of legal services in a matter of legislative
3 concern;

4 (9) a gift of transportation from a legislator or a legislative employee to
5 a legislator or a legislative employee if the transportation takes place in the state on or
6 in an aircraft, boat, motor vehicle, or other means of transport owned or under the
7 control of the donor; this paragraph does not apply to travel described in (4) of this
8 subsection or travel for political campaign purposes; or

9 (10) a contribution to a charity event from any person at any time; in
10 this paragraph, "charity event" has the meaning given in (a)(2)(B) of this section.

11 * **Sec. 9.** AS 44.99.007 is amended to read:

12 **Sec. 44.99.007. Emergency transfer of seat of government.** When, due to an
13 emergency resulting from the effects of enemy attack or an imminent enemy attack, it
14 becomes imprudent, inexpedient, or impossible to conduct the affairs of state
15 government at the normal location of the state capital **or to hold a legislative session**
16 **at the location designated under AS 24.05.090 or AS 24.05.100(b)**, the governor
17 shall, as often as the exigencies of the situation require, declare by proclamation an
18 emergency temporary location or locations for the seat of government **or for the**
19 **session** at a place or places, inside or outside the state, that would not normally be
20 considered military target sites and that the governor may consider advisable under the
21 circumstances. The governor shall take [SUCH] action and issue [SUCH] orders as
22 may be necessary for an orderly transition to the emergency temporary location or
23 locations. The temporary location or locations shall remain the emergency seat of
24 government **or location of the legislative session** until the emergency is declared to
25 be ended by the governor and the seat of government **or session** is returned to its
26 normal location.

27 * **Sec. 10.** This Act takes effect immediately under AS 01.10.070(c).