

CS FOR HOUSE BILL NO. 368(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 2/27/08

Referred: Judiciary, Finance

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act modifying the limitations on political fund raising during legislative sessions by
2 candidates for governor or for lieutenant governor, and amending the Legislative Ethics
3 Act to modify the limitation on political fund raising by legislators and legislative
4 employees during legislative sessions, to allow legislators and legislative employees to
5 accept certain gifts from lobbyists within their immediate families, to clarify the
6 Legislative Ethics Act as it relates to legislative volunteers and educational trainees, to
7 reduce the frequency of publication of summaries by the Select Committee on
8 Legislative Ethics, and to revise procedures and penalties related to the late filing of
9 disclosures required by the Legislative Ethics Act."

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

11 * **Section 1.** AS 15.13.072(g) is amended to read:

12 (g) A candidate or an individual who has filed with the commission the

1 document necessary to permit that individual to incur election-related expenses under
 2 AS 15.13.100 for election or reelection to the office of governor or lieutenant governor
 3 may not, **on a day when either house of the legislature is in regular or special**
 4 **session,** solicit or accept a contribution in the **municipality in which the legislative**
 5 **session is convened** [CAPITAL CITY WHILE THE LEGISLATURE IS
 6 CONVENED IN A REGULAR OR SPECIAL LEGISLATIVE SESSION].

7 * **Sec. 2.** AS 24.60.031(a) is amended to read:

8 (a) A legislator or legislative employee may not

9 (1) on a day when either house of the legislature is in regular or special
 10 session, solicit or accept a contribution or a promise or pledge to make a contribution
 11 for a campaign for the state legislature; however, a legislator or legislative employee
 12 may, except in the **municipality in which the legislative session is convened**
 13 [CAPITAL CITY], solicit or accept a contribution, promise, or pledge for a campaign
 14 for the state legislature that occurs during the 90 days immediately preceding an
 15 election;

16 (2) accept money from an event held on a day when either house of the
 17 legislature is in regular or special session if a substantial purpose of the event is to
 18 raise money on behalf of the member or legislative employee for state legislative
 19 political purposes; however, this paragraph does not prohibit a legislator or legislative
 20 employee from accepting money from an event held in a place other than the
 21 **municipality in which the legislative session is convened,** [CAPITAL CITY] during
 22 the 90 days immediately preceding an election; or

23 (3) in a campaign for the state legislature, expend money that was
 24 raised on a day when either house of the legislature was in a legislative session by or
 25 on behalf of a legislator under a declaration of candidacy or a general letter of intent to
 26 become a candidate for public office; however, this paragraph does not apply to
 27 money raised in a place other than the **municipality in which the legislative session**
 28 **is convened,** [CAPITAL CITY] during the 90 days immediately preceding an
 29 election.

30 * **Sec. 3.** AS 24.60.080(a) is amended to read:

31 (a) Except as otherwise provided in this section, a legislator or legislative

1 employee may not

2 (1) solicit, accept, or receive, directly or indirectly, a gift worth \$250
3 or more, whether in the form of money, services, a loan, travel, entertainment,
4 hospitality, promise, or other form, or gifts from the same person worth less than \$250
5 that in a calendar year aggregate to \$250 or more in value;

6 (2) solicit, accept, or receive a gift with any monetary value from a
7 lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a
8 lobbyist, except

9 (A) food or beverage for immediate consumption; [OR]

10 (B) tickets for a charity event at any time, except that tickets to
11 or gifts received at a charity event under this subparagraph are subject to the
12 calendar year limit on the value of gifts received by a legislator or legislative
13 employee in (1) of this subsection; in this subparagraph, "charity event" means
14 an event the proceeds of which go to a charitable organization with tax-free
15 status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has
16 approved in advance; the tickets may entitle the bearer to admission to the
17 event, to entertainment, to food or beverages, or to other gifts or services
18 involved in the charity event; **or**

19 **(C) a gift that is unconnected with the recipient's legislative**
20 **status and is from a member of the legislator's or legislative employee's**
21 **immediate family.**

22 * **Sec. 4.** AS 24.60.080(h) is amended to read:

23 (h) A legislator, a legislative committee other than the Select Committee on
24 Legislative Ethics, or a legislative agency may accept a gift of (1) volunteer services
25 for legislative purposes so long as the person making the gift of services is not
26 receiving compensation from another source for the services, or (2) the services of a
27 trainee who is participating in an educational program approved by the committee if
28 the services are used for legislative purposes. The committee shall approve training
29 under a program of the University of Alaska and training under 29 U.S.C. 2801 - 2945
30 (Workforce Investment Act of 1998). [A LEGISLATIVE VOLUNTEER OR
31 EDUCATIONAL TRAINEE SHALL BE CONSIDERED TO BE A LEGISLATIVE

1 EMPLOYEE FOR PURPOSES OF COMPLIANCE WITH THIS SECTION,
 2 AS 24.60.030 - 24.60.039, 24.60.060, 24.60.085, 24.60.158 - 24.60.170, 24.60.176,
 3 AND 24.60.178. IF A PERSON BELIEVES THAT A LEGISLATIVE VOLUNTEER
 4 OR EDUCATIONAL TRAINEE HAS VIOLATED THE PROVISIONS OF ONE OF
 5 THOSE SECTIONS, THE PERSON MAY FILE A COMPLAINT UNDER
 6 AS 24.60.170. THE PROVISIONS OF AS 24.60.170 APPLY TO THE
 7 PROCEEDING.]

8 * **Sec. 5.** AS 24.60.080 is amended by adding a new subsection to read:

9 (l) A legislative volunteer or educational trainee shall be considered to be a
 10 legislative employee for purposes of compliance with this section, AS 24.60.030 -
 11 24.60.039, 24.60.060, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If
 12 a person believes that a legislative volunteer or educational trainee has violated the
 13 provisions of one of those sections, the person may file a complaint under
 14 AS 24.60.170. The provisions of AS 24.60.170 apply to the proceeding.

15 * **Sec. 6.** AS 24.60.150(a) is amended to read:

16 (a) The committee shall

17 (1) adopt procedures to facilitate the receipt of inquiries and prompt
 18 rendition of its opinions;

19 (2) publish **annual** [SEMI-ANNUAL] summaries of decisions and
 20 advisory opinions with sufficient deletions in the summaries to prevent disclosing the
 21 identity of the persons involved in the decisions or opinions that have remained
 22 confidential;

23 (3) publish legislative ethics materials, including an annually updated
 24 handbook on standards of ethical conduct and a bimonthly legislative newsletter, to
 25 help educate legislators, legislative employees, and public members of the committee
 26 on the subject of legislative ethics;

27 (4) within 10 days of the first day of each regular session of the
 28 legislature and at other times determined by the committee, administer two types of
 29 legislative ethics courses that teach means of compliance with this chapter and are
 30 designed to give an understanding of this chapter's purpose under AS 24.60.010; one
 31 course, for returning legislators, legislative employees, or public members of the

1 committee, shall refresh knowledge and review compliance issues; a separate course
2 shall be designed to give first-time legislators, legislative employees, or public
3 members of the committee a fundamental understanding of this chapter and how to
4 comply with it.

5 * **Sec. 7.** AS 24.60.260(c) is amended to read:

6 (c) The committee may impose a fine on a person who files a disclosure after
7 a deadline set by this chapter. The amount of the fine imposed under this subsection
8 may not exceed \$2 for each day to a maximum of \$100 for each [DISCLOSURE FOR
9 A] late **filing unless the committee determines that the late filing was inadvertent**
10 **or wilful. If** [DISCLOSURE. HOWEVER, IF] the committee finds that a late filing
11 was inadvertent, the maximum fine the committee may impose under this subsection is
12 \$25. **If the committee determines that the late filing was wilful, the amount of the**
13 **fine imposed under this subsection may be \$100 for each day but may not exceed**
14 **a maximum of \$2,500.**