

CS FOR HOUSE BILL NO. 368(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 3/27/08

Referred: Finance

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 **"An Act amending the Legislative Ethics Act to modify the limitation on political fund**
2 **raising by legislators and legislative employees during legislative sessions, to allow**
3 **legislators and legislative employees to accept certain gifts from lobbyists, to clarify the**
4 **Legislative Ethics Act as it relates to legislative volunteers and educational trainees, to**
5 **reduce the frequency of publication of summaries by the Select Committee on**
6 **Legislative Ethics, and to revise procedures and fines related to the late filing of**
7 **disclosures required by the Legislative Ethics Act."**

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

9 *** Section 1.** AS 24.60.031(a) is amended to read:

10 (a) A legislator or legislative employee may not

11 (1) on a day when either house of the legislature is in regular or special
12 session, solicit or accept a contribution or a promise or pledge to make a contribution
13 for a campaign for the state legislature; however, a legislator or legislative employee

1 may, except in the **municipality in which the legislative session is convened**
 2 [CAPITAL CITY], solicit or accept a contribution, promise, or pledge for a campaign
 3 for the state legislature that occurs during the 90 days immediately preceding an
 4 election;

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

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

19 * **Sec. 2.** AS 24.60.080(a) is amended to read:

20 (a) Except as otherwise provided in this section, a legislator or legislative
 21 employee may not

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

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

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

30 (B) **a contribution to a charity event from any person at any**
 31 **time, and** tickets for a charity event at any time, except that tickets to or gifts

1 received at a charity event under this subparagraph are subject to the calendar
 2 year limit on the value of gifts received by a legislator or legislative employee
 3 in (1) of this subsection; in this subparagraph, "charity event" means an event
 4 the proceeds of which go to a charitable organization with tax-free status under
 5 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in
 6 advance; the tickets may entitle the bearer to admission to the event, to
 7 entertainment, to food or beverages, or to other gifts or services involved in the
 8 charity event;

9 **(C) a gift that is unconnected with the recipient's legislative**
 10 **status and is from a member of the legislator's or legislative employee's**
 11 **immediate family;**

12 **(D) a gift delivered on the premises of a state facility and**
 13 **accepted on behalf of a recognized nonpolitical charitable organization; or**

14 **(E) a compassionate gift under AS 24.60.075.**

15 * **Sec. 3.** AS 24.60.080(h) is amended to read:

16 (h) A legislator, a legislative committee other than the Select Committee on
 17 Legislative Ethics, or a legislative agency may accept a gift of (1) volunteer services
 18 for legislative purposes so long as the person making the gift of services is not
 19 receiving compensation from another source for the services, or (2) the services of a
 20 trainee who is participating in an educational program approved by the committee if
 21 the services are used for legislative purposes. The committee shall approve training
 22 under a program of the University of Alaska and training under 29 U.S.C. 2801 - 2945
 23 (Workforce Investment Act of 1998). [A LEGISLATIVE VOLUNTEER OR
 24 EDUCATIONAL TRAINEE SHALL BE CONSIDERED TO BE A LEGISLATIVE
 25 EMPLOYEE FOR PURPOSES OF COMPLIANCE WITH THIS SECTION,
 26 AS 24.60.030 - 24.60.039, 24.60.060, 24.60.085, 24.60.158 - 24.60.170, 24.60.176,
 27 AND 24.60.178. IF A PERSON BELIEVES THAT A LEGISLATIVE VOLUNTEER
 28 OR EDUCATIONAL TRAINEE HAS VIOLATED THE PROVISIONS OF ONE OF
 29 THOSE SECTIONS, THE PERSON MAY FILE A COMPLAINT UNDER
 30 AS 24.60.170. THE PROVISIONS OF AS 24.60.170 APPLY TO THE
 31 PROCEEDING.]

1 * **Sec. 4.** AS 24.60.080 is amended by adding a new subsection to read:

2 (l) A legislative volunteer or educational trainee shall be considered to be a
3 legislative employee for purposes of compliance with this section, AS 24.60.030 -
4 24.60.039, 24.60.060, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If
5 a person believes that a legislative volunteer or educational trainee has violated the
6 provisions of one of those sections, the person may file a complaint under
7 AS 24.60.170. The provisions of AS 24.60.170 apply to the proceeding.

8 * **Sec. 5.** AS 24.60.150(a) is amended to read:

9 (a) The committee shall

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

12 (2) publish annual [SEMI-ANNUAL] summaries of decisions and
13 advisory opinions with sufficient deletions in the summaries to prevent disclosing the
14 identity of the persons involved in the decisions or opinions that have remained
15 confidential;

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

20 (4) within 10 days of the first day of each regular session of the
21 legislature and at other times determined by the committee, administer two types of
22 legislative ethics courses that teach means of compliance with this chapter and are
23 designed to give an understanding of this chapter's purpose under AS 24.60.010; one
24 course, for returning legislators, legislative employees, or public members of the
25 committee, shall refresh knowledge and review compliance issues; a separate course
26 shall be designed to give first-time legislators, legislative employees, or public
27 members of the committee a fundamental understanding of this chapter and how to
28 comply with it.

29 * **Sec. 6.** AS 24.60.260(c) is amended to read:

30 (c) The committee may impose a fine on a person who files a disclosure after
31 a deadline set by this chapter. The amount of the fine imposed under this subsection

1 may not exceed \$2 for each day to a maximum of \$100 for each [DISCLOSURE FOR
2 A] late **filing unless the committee determines that the late filing was inadvertent**
3 **or wilful. If** [DISCLOSURE. HOWEVER, IF] the committee finds that a late filing
4 was inadvertent, the maximum fine the committee may impose under this subsection is
5 \$25. **If the committee determines that the late filing was wilful, the amount of the**
6 **fine imposed under this subsection may be \$100 for each day but may not exceed**
7 **a maximum of \$2,500.**