

CS FOR HOUSE BILL NO. 368(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 4/3/08

Referred: Rules

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 24.60.031 is amended by adding a new subsection to read:

20 (c) This section does not prohibit a legislator from soliciting or accepting a
 21 contribution or making campaign expenditures during a special session held during the
 22 90 days immediately preceding an election if the district for which the legislator has
 23 filed for office is in the municipality where the special session occurs.

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

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

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

31 (2) solicit, accept, or receive a gift with any monetary value from a

1 lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a
2 lobbyist, except

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

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

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

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

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

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

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

1 AND 24.60.178. IF A PERSON BELIEVES THAT A LEGISLATIVE VOLUNTEER
 2 OR EDUCATIONAL TRAINEE HAS VIOLATED THE PROVISIONS OF ONE OF
 3 THOSE SECTIONS, THE PERSON MAY FILE A COMPLAINT UNDER
 4 AS 24.60.170. THE PROVISIONS OF AS 24.60.170 APPLY TO THE
 5 PROCEEDING.]

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

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

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

14 (a) The committee shall

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

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

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

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

1 members of the committee a fundamental understanding of this chapter and how to
2 comply with it.

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

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