

**SENATE CS FOR CS FOR HOUSE BILL NO. 368(STA) am S**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Amended: 4/11/08

Offered: 4/10/08

Sponsor(s): HOUSE STATE AFFAIRS COMMITTEE

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to allowing legislators and legislative employees to accept certain gifts  
2 from lobbyists, to clarifying the Legislative Ethics Act as it relates to legislative  
3 volunteers and educational trainees, to reducing the frequency of publication of  
4 summaries by the Select Committee on Legislative Ethics, and to revising procedures  
5 and fines related to the late filing of disclosures required by the Legislative Ethics Act;  
6 amending prohibitions in the Regulation of Lobbying Act on gifts to a legislator or  
7 legislative employee."

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

9 \* **Section 1.** AS 24.45.121(a) is amended to read:

10 (a) A lobbyist may not

11 (1) engage in any activity as a lobbyist before registering under  
12 AS 24.45.041;

13 (2) do anything with the intent of placing a public official under

1 personal obligation to the lobbyist or to the lobbyist's employer;

2 (3) intentionally deceive or attempt to deceive any public official with  
3 regard to any material fact pertinent to pending or proposed legislative or  
4 administrative action;

5 (4) cause or influence the introduction of a legislative measure solely  
6 for the purpose of thereafter being employed to secure its passage or its defeat;

7 (5) cause a communication to be sent to a public official in the name of  
8 any fictitious person or in the name of any real person, except with the consent of that  
9 person;

10 (6) accept or agree to accept any payment in any way contingent upon  
11 the defeat, enactment, or outcome of any proposed legislative or administrative action;

12 (7) serve as a member of a state board or commission, if the lobbyist's  
13 employer may receive direct economic benefit from a decision of that board or  
14 commission;

15 (8) serve as a campaign manager or director, serve as a campaign  
16 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a  
17 fund-raising event, directly or indirectly collect contributions for, or deliver  
18 contributions to, a candidate, or otherwise engage in the fund-raising activity of a  
19 legislative campaign or campaign for governor or lieutenant governor if the lobbyist  
20 has registered, or is required to register, as a lobbyist under this chapter, during the  
21 calendar year; this paragraph does not apply to a representational lobbyist as defined  
22 in the regulations of the Alaska Public Offices Commission, and does not prohibit a  
23 lobbyist from making personal contributions to a candidate as authorized by AS 15.13  
24 or personally advocating on behalf of a candidate;

25 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a  
26 person covered by AS 24.60 a gift, other than food or beverage for immediate  
27 consumption **or a compassionate gift under AS 24.60.075**; however, this paragraph  
28 does not prohibit a lobbyist from providing

29 **(A) a gift to a legislator or legislative employee who is a**  
30 **member of the lobbyist's immediate family as defined in AS 24.60.990(a),**  
31 **if the gift is unconnected to the recipient's legislative status;**

1                    **(B)** tickets to a charity event described in  
 2 AS 24.60.080(a)(2)(B); [,] or

3                    **(C)** a contribution to a charity event under  
 4 AS 24.60.080(c)(10);

5                    (10) make or offer a gift or a campaign contribution whose acceptance  
 6 by the person to whom it is offered would violate AS 24.60 or AS 39.52.

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

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

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

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

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

18                    (B) **a contribution to a charity event from any person at any**  
 19 **time, and** tickets for a charity event at any time, except that tickets to or gifts  
 20 received at a charity event under this subparagraph are subject to the calendar  
 21 year limit on the value of gifts received by a legislator or legislative employee  
 22 in (1) of this subsection; in this subparagraph, "charity event" means an event  
 23 the proceeds of which go to a charitable organization with tax-free status under  
 24 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in  
 25 advance; the tickets may entitle the bearer to admission to the event, to  
 26 entertainment, to food or beverages, or to other gifts or services involved in the  
 27 charity event;

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

31                    (D) **a gift delivered on the premises of a state facility and**

1                   **accepted on behalf of a recognized nonpolitical charitable organization; or**  
 2                                   **(E) a compassionate gift under AS 24.60.075.**

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

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

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

21                   (l) A legislative volunteer or educational trainee shall be considered to be a  
 22      legislative employee for purposes of compliance with this section, AS 24.60.030 -  
 23      24.60.039, 24.60.060, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If  
 24      a person believes that a legislative volunteer or educational trainee has violated the  
 25      provisions of one of those sections, the person may file a complaint under  
 26      AS 24.60.170. The provisions of AS 24.60.170 apply to the proceeding.

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

28                   (a) The committee shall

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

31                                   (2) publish **annual** [SEMI-ANNUAL] summaries of decisions and

1 advisory opinions with sufficient deletions in the summaries to prevent disclosing the  
 2 identity of the persons involved in the decisions or opinions that have remained  
 3 confidential;

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

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

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

18 (c) The committee may impose a fine on a person who files a disclosure after  
 19 a deadline set by this chapter. The amount of the fine imposed under this subsection  
 20 may not exceed \$2 for each day to a maximum of \$100 for each [DISCLOSURE FOR  
 21 A] late **filing unless the committee determines that the late filing was inadvertent**  
 22 **or willful. If** [DISCLOSURE. HOWEVER, IF] the committee finds that a late filing  
 23 was inadvertent, the maximum fine the committee may impose under this subsection is  
 24 \$25. **If the committee determines that the late filing was willful, the amount of the**  
 25 **fine imposed under this subsection may be \$100 for each day but may not exceed**  
 26 **a maximum of \$2,500.**