

HOUSE BILL NO. 354

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

BY REPRESENTATIVES KITO, Gara, Guttenberg, Tuck

Introduced: 2/24/16

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the duties of the Alaska Public Offices Commission; limiting the
2 authority of certain persons who have been awarded certain legislative contracts to
3 make a campaign contribution to a legislator or candidate for legislative office;
4 prohibiting a legislator from awarding certain legislative contracts to certain
5 contributors; and providing for an effective date."

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

7 * **Section 1.** AS 15.13.030 is amended to read:

8 **Sec. 15.13.030. Duties of the commission.** The commission shall

9 (1) develop and provide all forms for the reports and statements
10 required to be made under this chapter, AS 24.45, and AS 39.50;

11 (2) prepare and publish a manual setting out uniform methods of
12 bookkeeping and reporting for use by persons required to make reports and statements
13 under this chapter and otherwise assist all persons in complying with the requirements

1 of this chapter;

2 (3) receive and hold open for public inspection reports and statements
3 required to be made under this chapter and, upon request, furnish copies at cost to
4 interested persons;

5 (4) compile and maintain a current list of all filed reports and
6 statements;

7 (5) prepare a summary of each report filed under AS 15.13.110 and
8 make copies of this summary available to interested persons at their actual cost;

9 (6) notify, by registered or certified mail, all persons who are
10 delinquent in filing reports and statements required to be made under this chapter;

11 (7) examine, investigate, and compare all reports, statements, and
12 actions required by this chapter, AS 24.45, and AS 39.50;

13 (8) prepare and publish a biennial report concerning the activities of
14 the commission, the effectiveness of this chapter, its enforcement by the attorney
15 general's office, and recommendations and proposals for change; the commission shall
16 notify the legislature that the report is available;

17 (9) adopt regulations necessary to implement and clarify the provisions
18 of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62
19 (Administrative Procedure Act); [AND]

20 (10) consider a written request for an advisory opinion concerning the
21 application of this chapter, AS 24.45, AS 24.60.200 - 24.60.260, or AS 39.50; and

22 **(11) annually provide the legislature with a list of the persons who**
23 **have made campaign contributions of more than \$50 under this chapter to a**
24 **legislative candidate within the preceding four years and the dates of those**
25 **contributions.**

26 * **Sec. 2.** AS 15.13.074 is amended by adding a new subsection to read:

27 (j) An individual or an owner, executive officer, or the spouse or domestic
28 partner of an individual or owner or executive officer of an entity that has been
29 awarded a legislative contract valued at \$35,000 or more for professional services,
30 supplies, real property, or construction for a legislative agency or legislative
31 committee may not, for four years preceding the term of the contract, make a

1 campaign contribution of more than \$50 to an incumbent legislator or other candidate
 2 running for state legislative office. In this subsection,

3 (1) "professional services" means professional, technical, or
 4 consultant's services that are predominantly intellectual in character and that

5 (A) include analysis, evaluation, prediction, planning, or
 6 recommendation; and

7 (B) result in the production of a report or the completion of a
 8 task;

9 (2) "supplies" has the meaning given in AS 36.30.990.

10 * **Sec. 3.** AS 24.60 is amended by adding a new section to read:

11 **Sec. 24.60.042. Restrictions on the award of legislative contracts.** A
 12 legislator may not award a legislative contract valued at \$35,000 or more for
 13 professional services, supplies, real property, or construction for a legislative agency
 14 or legislative committee to an individual or entity, if the individual or the individual's
 15 spouse or domestic partner or an owner, executive officer, or spouse or domestic
 16 partner of an owner or executive officer of the entity, has made a campaign
 17 contribution of more than \$50 to a candidate for the legislature in the preceding four
 18 years. In this section,

19 (1) "award" means to

20 (A) approve entry into a contract while acting as a procurement
 21 officer under procurement procedures adopted by the legislature under
 22 AS 36.30.020; or

23 (B) vote in favor of entry into a contract as a member of a
 24 legislative committee with authority to contract;

25 (2) "professional services" means professional, technical, or consulting
 26 services that are predominantly intellectual in character and that

27 (A) include analysis, evaluation, prediction, planning, or
 28 recommendation; and

29 (B) result in the production of a report or the completion of a
 30 task;

31 (3) "supplies" has the meaning given in AS 36.30.990.

1 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 **APPLICABILITY.** This Act applies to contributions made after the effective date of
4 this Act.

5 * **Sec. 5.** This Act takes effect January 1, 2017.