

HOUSE BILL NO. 393

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/21/18

Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to political contributions; and relating to the Select Committee on**
2 **Legislative Ethics and the Legislative Ethics Act."**

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

4 *** Section 1.** AS 15.13.074 is amended by adding a new subsection to read:

5 (j) Notwithstanding (g) of this section, an individual required to register as a
6 lobbyist under AS 24.45 may not, at any time the individual is subject to the
7 registration requirement under AS 24.45 and for one year thereafter, make a
8 contribution to a candidate for the legislature or to a group that makes expenditures or
9 receives contributions

10 (1) with the authorization or consent, express or implied, or under the
11 control, direct or indirect, of

12 (A) a member of the legislature, including a former member of
13 the legislature who was a member of the legislature at any time during the
14 preceding 365-day period;

1 (B) a legislative employee, including a former legislative
2 employee who was employed by the legislature at any time during the
3 preceding 365-day period;

4 (C) a person in the immediate family of a member of the
5 legislature under (A) of this paragraph;

6 (D) a person in the immediate family of a legislative employee
7 under (B) of this paragraph; or

8 (E) an individual who files for election to the state legislature
9 or campaigns as a write-in candidate for the state legislature; and

10 (2) to influence the outcome of an election under this chapter.

11 * **Sec. 2.** AS 24.20.100 is amended by adding a new subsection to read:

12 (b) The Select Committee on Legislative Ethics established under AS 24.60
13 may use legal services provided by staff of the Legislative Affairs Agency under
14 AS 24.60.150(a)(5) during that committee's meetings in executive session and for
15 matters and proceedings related to those meetings. A request for services by the
16 committee is confidential.

17 * **Sec. 3.** AS 24.60.020(b) is amended to read:

18 (b) The provisions of this chapter specifically supersede the provisions of the
19 common law relating to legislative conflict of interest that may apply to a member of
20 the legislature or a legislative employee. This chapter **does not supersede the**
21 **uniform rules adopted by the Alaska State Legislature, and** does not supersede or
22 repeal provisions of the criminal laws of the state. This chapter does not exempt a
23 person from applicable provisions of another law unless the law is expressly
24 superseded or incompatibly inconsistent with the specific provisions of this chapter.

25 * **Sec. 4.** AS 24.60.037(e) is amended to read:

26 (e) In **a matter** [CASES] where there **is a conflict** [ARE CONFLICTS]
27 between **the open meetings** [THESE] guidelines **established in this section** and the
28 uniform rules adopted by the Alaska State Legislature, the uniform rules prevail.

29
30 * **Sec. 5.** AS 24.60.130(c) is amended to read:

31 (c) **The chief justice of the Alaska Supreme Court shall select public**

1 members under (b) of this section who, as a group, represent a diversity of
 2 professions and geographic regions. Not [NO] more than

3 (1) one public member may be employed by the state or a political
 4 subdivision of the state;

5 (2) one public member may be a former legislator; and

6 (3) [NO MORE THAN] two public members [OF THE
 7 COMMITTEE] may be members of the same political party.

8 * **Sec. 6.** AS 24.60.131(a) is amended to read:

9 (a) When appointing members of the legislature to serve on the committee
 10 under AS 24.60.130(b), the speaker of the house of representatives or the president of
 11 the senate, as appropriate, shall appoint an alternate member for each regular member.
 12 The alternate member shall have the same qualifications for appointment to the
 13 committee as the regular member for whom the alternate stands as alternate. The
 14 alternate member's appointment is subject to confirmation as required for appointment
 15 of the regular member. An alternate member may attend all committee and
 16 subcommittee meetings and hearings to the same extent as the regular member
 17 for whom the person serves as an alternate. However, except as otherwise
 18 provided under this section, the alternate may not vote. If the regular member is
 19 absent and the alternate member is present, the alternate shall vote in place of
 20 the regular member. The alternate may not vote in place of a regular member if
 21 the alternate is disqualified from voting under 24.60.130(h).

22 * **Sec. 7.** AS 24.60.131(d) is amended to read:

23 (d) If a regular member of the committee or a subcommittee or an alternate
 24 member appointed under (a) or (b) of this section participates at the commencement of
 25 a proceeding under AS 24.60.170, the member shall participate for the duration of the
 26 proceeding unless the member is disqualified under AS 24.60.130(h) or is unable to
 27 continue participating. If a regular [THE PARTICIPATING] member is disqualified
 28 under AS 24.60.130(h) or becomes unable to participate, the chair of the committee or
 29 subcommittee that holds the proceeding shall designate the member's alternate, and
 30 promptly notify the alternate of that designation, to participate in place of the
 31 member for the duration of the proceeding unless the alternate is disqualified or is

1 unable to participate. If both a regular legislative member and that member's
 2 alternate appointed under (a) of this section are disqualified under
 3 AS 24.60.130(h), the chair of the committee or subcommittee that holds the
 4 proceeding shall designate the alternate member appointed under (e) of this
 5 section to participate in the proceeding and shall promptly notify the alternate
 6 member appointed under (e) of this section of that designation.

7 * **Sec. 8.** AS 24.60.131(e) is amended to read:

8 (e) If both a regular legislative member and that member's alternate appointed
 9 under (a) of this section are not available to participate at the commencement of a
 10 proceeding under AS 24.60.170 because they are disqualified under AS 24.60.130(h),
 11 the presiding officer of the house in which the two members serve shall appoint from
 12 that house an alternate [AND DESIGNATE THAT ALTERNATE] to participate in
 13 the proceeding; however, if the two members who are not available to participate are
 14 not members of the majority organizational caucus, the leader of the minority
 15 organizational caucus with the greatest number of members shall appoint from that
 16 house an alternate [AND DESIGNATE THAT ALTERNATE] to participate in the
 17 proceeding.

18 * **Sec. 9.** AS 24.60.150(a) is amended to read:

19 (a) The committee shall

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

22 (2) publish annual summaries of decisions and advisory opinions with
 23 sufficient deletions in the summaries to prevent disclosing the identity of the persons
 24 involved in the decisions or opinions that have remained confidential;

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

29 (4) within 10 days of the first day of each regular session of the
 30 legislature and at other times determined by the committee, administer two types of
 31 legislative ethics courses that teach means of compliance with this chapter and are

1 designed to give an understanding of this chapter's purpose under AS 24.60.010; one
 2 course, for returning legislators, legislative employees, or public members of the
 3 committee, must refresh knowledge and review compliance issues; a separate course
 4 shall be designed to give first-time legislators, legislative employees, or public
 5 members of the committee a fundamental understanding of this chapter and how to
 6 comply with it;

7 **(5) when the committee meets in executive session, require that a**
 8 **lawyer employed by the Legislative Affairs Agency attend to advise the**
 9 **committee, unless all persons attending the executive session waive that**
 10 **requirement.**

11 * **Sec. 10.** AS 24.60.160(b) is amended to read:

12 (b) An opinion issued under this section is binding on the committee in any
 13 subsequent proceedings concerning the facts and circumstances [OF THE] particular
 14 **to the matter** [CASE] unless material facts were omitted or misstated in the request
 15 for the advisory opinion. An opinion issued under this section must be issued with
 16 [SUFFICIENT] deletions **or other modifications that are sufficient** to prevent
 17 disclosing the identity of the person or persons involved. Advisory opinion **requests,**
 18 discussions, and deliberations are confidential [,] unless the requester and anyone
 19 [ELSE] named in the request who is covered by this chapter **wave** [WAIVES]
 20 confidentiality. The committee's final vote on the advisory opinion is a public record.