

AMENDMENT #1

OFFERED IN THE SENATE  
TO: CSSB 89(JUD)

BY SENATOR WILSON

1 Page 1, line 1:

2 Delete all material and insert:

3 **""An Act repealing provisions relating to certain campaign expenditures and**  
4 **contributions, the withholding of payment to legislators for per diem and travel**  
5 **expenses in certain instances, certain limitations on gifts by lobbyists to legislators and**  
6 **legislative employees, and certain requirements that a legislator abstain from taking or**  
7 **withholding official action or exerting official influence that could benefit or harm an**  
8 **immediate family member or certain employers; requiring lobbyists to report certain**  
9 **gifts of food or beverage provided to a legislator or legislative employee; and relating to**  
10 **a requirement that a legislator request to be excused from voting in certain instances**  
11 **where the legislator has an ownership or equity interest; and providing for an effective**  
12 **date.""**

13

14 Page 1, line 3, through page 2, line 29:

15 Delete all material and insert:

16 **\*\* Section 1.** AS 15.13.068(a) is amended to read:

17 (a) A [FOREIGN-INFLUENCED CORPORATION OR] foreign national may  
18 not, directly or indirectly, in connection with an election under this chapter, make a  
19 contribution or expenditure or make an express or implied promise to make a  
20 contribution or expenditure.

21 **\* Sec. 2.** AS 15.13.068(b) is amended to read:

22 (b) The provisions of this section prohibit a [FOREIGN-INFLUENCED  
23 CORPORATION OR] foreign national from making a contribution or expenditure in

1 connection with a state election only to the extent

2 (1) federal law prohibits the foreign-influenced corporation or foreign  
3 national from making a contribution or expenditure in connection with a state election;  
4 and

5 (2) permitted by federal law.

6 \* **Sec. 3.** AS 15.13.068(e) is repealed and reenacted to read:

7 (e) In this section, "foreign national" includes

8 (1) an individual who is not a United States citizen or lawfully  
9 admitted for permanent residence under 8 U.S.C. 1101(a)(20);

10 (2) a foreign government, every political subdivision of a foreign  
11 government, every official, agent, or representative of a foreign government, and  
12 every agency, corporation, or instrumentality of the foreign government or of a  
13 political subdivision of a foreign government;

14 (3) a person outside of the United States, unless it is established that  
15 the person is an individual and a citizen of and domiciled in the United States, or that  
16 the person is not an individual and is organized under or created by the laws of the  
17 United States or of any state or other place subject to the jurisdiction of the United  
18 States and has its principal place of business in the United States; or

19 (4) a partnership, association, corporation, organization, or other  
20 combination of persons organized under the laws of or having its principal place of  
21 business in a foreign country.

22 \* **Sec. 4.** AS 24.10.120(a) is amended to read:

23 (a) Salaries, per diem, travel expenses, relocation expenses, and additional  
24 allowances for members of the legislature shall be paid as approved by the legislative  
25 fiscal officer. [THE LEGISLATIVE FISCAL OFFICER MAY NOT APPROVE  
26 PAYMENT FOR A MEMBER'S TRAVEL OUTSIDE THE UNITED STATES  
27 UNLESS THE MEMBER FIRST PROVIDES A REPORT ESTABLISHING THAT  
28 THE TRAVEL HAS A LEGISLATIVE PURPOSE. THE LEGISLATIVE FISCAL  
29 OFFICER SHALL PROVIDE A FORM ON WHICH A REPORT UNDER THIS  
30 SUBSECTION MUST BE SUBMITTED.]

31 \* **Sec. 5.** AS 24.10.130(b) is amended to read:

1 (b) Legislators and officers and employees of the legislative branch of  
 2 government may be entitled to a per diem allowance [; HOWEVER, IF A BILL  
 3 THAT FULLY FUNDS AN OPERATING BUDGET HAS NOT, WITHIN THE  
 4 FIRST 121 CONSECUTIVE DAYS OF A REGULAR LEGISLATIVE SESSION,  
 5 INCLUDING THE DAY THE LEGISLATURE FIRST CONVENES IN THAT  
 6 REGULAR SESSION, BEEN PASSED BY THE LEGISLATURE, A MEMBER OF  
 7 THE LEGISLATURE IS NOT ENTITLED TO A DAILY PER DIEM  
 8 ALLOWANCE FOR A DAY THE LEGISLATURE IS IN SESSION AFTER THAT  
 9 121-DAY PERIOD UNTIL THE FIRST DAY AFTER A BILL THAT FULLY  
 10 FUNDS AN OPERATING BUDGET IS PASSED BY THE LEGISLATURE OR  
 11 THE FIRST DAY OF THE NEXT REGULAR LEGISLATIVE SESSION,  
 12 WHICHEVER OCCURS EARLIER. IN THIS SUBSECTION, "PASSED BY THE  
 13 LEGISLATURE" HAS THE MEANING GIVEN IN AS 01.10.070].

14 \* **Sec. 6.** AS 24.10.130(c) is amended to read:

15 (c) The Alaska Legislative Council shall adopt a policy in accordance with  
 16 [(b) OF THIS SECTION AND] AS 39.23.540(d) regarding reimbursement for moving  
 17 expenses **applicable to all legislators** and **an applicable** [PAYMENT OF A] per  
 18 diem allowance **policy**. The policy must set conditions for the reimbursement for  
 19 moving expenses and payment of per diem and prescribe the amounts of  
 20 reimbursement adapted to the special needs of the legislative branch as determined by  
 21 the council.

22 \* **Sec. 7.** AS 24.45.051 is amended by adding a new subsection to read:

23 (c) A lobbyist required to report to the commission under (a) of this section,  
 24 who provides or pays for food or beverage for immediate consumption by a legislator  
 25 or legislative employee or a spouse or domestic partner of a legislator or legislative  
 26 employee shall report the date the food or beverage was provided or paid for and the  
 27 recipient's name and relationship to the legislator or legislative employee, unless the  
 28 food and beverage

29 (1) cost \$15 or less; or

30 (2) are provided as part of an event that is open to all legislators or  
 31 legislative employees.

1 \* Sec. 8. AS 24.45.121(a) is amended to read:

2 (a) A lobbyist may not

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

5 (2) do anything with the intent of placing a public official under  
6 personal obligation to the lobbyist or to the lobbyist's employer;

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

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

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

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

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

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

30 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a  
31 person covered by AS 24.60 a gift, other than food or [A NONALCOHOLIC]

1 beverage for immediate consumption [UNDER AS 24.60.080(a)(2)(A),] or a  
 2 compassionate gift under AS 24.60.075; however, this paragraph does not prohibit a  
 3 lobbyist from providing

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

7 (B) tickets to a charity event described in  
 8 AS 24.60.080(a)(2)(B); or

9 (C) a contribution to a charity event under  
 10 AS 24.60.080(c)(10);

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

13 \* **Sec. 9.** AS 24.60.030(e) is amended to read:

14 (e) A legislator may not directly, or by authorizing another to act on the  
 15 legislator's behalf,

16 (1) agree to, threaten to, or state or imply that the legislator will take or  
 17 withhold a legislative, administrative, or political action, including support for or  
 18 opposition to a bill, employment, nominations, and appointments, as a result of a  
 19 person's decision to provide or not provide a political contribution, donate or not  
 20 donate to a cause favored by the legislator, or provide or not provide a thing of value;

21 (2) state or imply that the legislator will perform or refrain from  
 22 performing a lawful constituent service as a result of a person's decision to provide or  
 23 not provide a political contribution, donate or not donate to a cause favored by the  
 24 legislator, or provide or not provide a thing of value; or

25 (3) **unless required by the Uniform Rules of the Alaska State**  
 26 **Legislature** [EXCEPT AS PROVIDED IN (g) OF THIS SECTION OR WHILE  
 27 PARTICIPATING IN A PUBLIC DISCUSSION OR DEBATE], take or withhold  
 28 official action or exert official influence that could substantially benefit or harm the  
 29 financial interest of a person

30 [(A) WHO IS A MEMBER OF THE LEGISLATOR'S  
 31 IMMEDIATE FAMILY;

1 (B) BY WHOM THE LEGISLATOR OR A MEMBER OF  
2 THE LEGISLATOR'S IMMEDIATE FAMILY IS EMPLOYED;

3 (C)] with whom the legislator is negotiating for employment [;

4 (D) FROM WHOM THE LEGISLATOR OR A MEMBER OF  
5 THE LEGISLATOR'S IMMEDIATE FAMILY HAS, IN THE  
6 IMMEDIATELY PRECEDING 12-MONTH PERIOD, RECEIVED MORE  
7 THAN \$10,000 OF INCOME].

8 \* **Sec. 10.** AS 24.60.030(g) is amended to read:

9 (g) Unless [OTHERWISE] required by the Uniform Rules of the Alaska State  
10 Legislature, a legislator **may not vote** [SHALL DECLARE A CONFLICT OF  
11 INTEREST BEFORE VOTING] on a question [BEFORE A COMMITTEE OF THE  
12 LEGISLATURE, AND SHALL REQUEST TO BE EXCUSED FROM VOTING ON  
13 A QUESTION BEFORE A HOUSE OF THE LEGISLATURE,] if the legislator [OR  
14 A MEMBER OF THE LEGISLATOR'S IMMEDIATE FAMILY] has **an equity or**  
15 **ownership** [A FINANCIAL] interest in a business, investment, real property, lease, or  
16 other enterprise if the interest is substantial and the effect on that interest of the action  
17 to be voted on is greater than the effect on **a substantial class of persons to which**  
18 **the legislator belongs as a member of a profession, occupation, industry, or**  
19 **region** [THE GENERAL PUBLIC OF THE STATE. HOWEVER,  
20 NOTWITHSTANDING (e)(3) OF THIS SECTION AND THE LIMITATIONS OF  
21 THIS SUBSECTION, A LEGISLATOR MAY VOTE ON AN APPROPRIATION  
22 BILL THAT MEETS THE REQUIREMENTS OF AS 37.07.020(a) OR 37.07.100].

23 \* **Sec. 11.** AS 24.60.080(a) is amended to read:

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

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

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

1 lobbyist, except

2 (A) food or [NONALCOHOLIC] beverage for immediate  
3 consumption

4 [(i) WITH A VALUE OF \$15 OR LESS; OR

5 (ii) PROVIDED AS PART OF AN EVENT THAT IS  
6 OPEN TO ALL LEGISLATORS OR LEGISLATIVE EMPLOYEES];

7 (B) a contribution to a charity event, tickets to a charity event,  
8 and gifts to which the tickets may entitle the bearer; however, under this  
9 subparagraph a legislator or legislative employee may not solicit, accept, or  
10 receive from the same lobbyist, an immediate family member of the lobbyist,  
11 or a person acting on behalf of the lobbyist, tickets to a charity event, gifts to  
12 which the tickets may entitle the bearer, or both, that in a calendar year  
13 aggregate to \$250 or more in value; in this subparagraph, "charity event"  
14 means an event the proceeds of which go to a charitable organization with tax-  
15 free status under 26 U.S.C. 501(c)(3) and that the Alaska legislative council  
16 has approved in advance; the tickets may entitle the bearer to admission to the  
17 event, to entertainment, to food or beverages, or to other gifts or services in  
18 connection with the charity event;

19 (C) a gift that is unconnected with the recipient's legislative  
20 status and is from a member of the legislator's or legislative employee's  
21 immediate family;

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

24 (E) a compassionate gift under AS 24.60.075.

25 \* Sec. 12. AS 39.23.540(d) is amended to read:

26 (d) The commission shall make available to the governor and presiding  
27 officers of each house of the legislature a final report of its findings and  
28 recommendations as to the rate and form of compensation, benefits, and allowances  
29 for legislators, the governor, the lieutenant governor, and each principal executive  
30 department head during the first 10 days of a legislative session. Subject to  
31 [AS 24.10.130(b) AND] (g) of this section, and unless a bill disapproving all the

1 recommendations for all officers listed in this section is enacted into law within 60  
2 days after the recommendations are submitted to the governor and presiding officers  
3 of each house of the legislature, a recommendation as to the compensation, benefits,  
4 and allowances for

5 (1) a legislator has the force of law and becomes effective on the first  
6 day of the next regular legislative session; and

7 (2) the governor, the lieutenant governor, and each principal executive  
8 department head has the force of law and becomes effective on the first day of the  
9 fiscal year following the fiscal year in which the recommendation is submitted.

10 \* **Sec. 13.** AS 15.13.068(c), 15.13.068(d); AS 24.60.030(j)(2), and 24.60.990(a)(6) are  
11 repealed.

12 \* **Sec. 14.** This Act takes effect immediately under AS 01.10.070(c)."