

CS FOR HOUSE BILL NO. 195 (STATE AFFAIRS)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/16/92

Referred: Judiciary, Finance

Sponsor(s): REPRESENTATIVES FINKELSTEIN, Brown

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to election campaigns, regulation of lobbying, conflicts of interest, and  
2 the Alaska Public Offices Commission; and providing for an effective date."

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

4 \* Section 1. AS 15.13.040(a) is amended to read:

5 (a) Except for a candidate who accepts contributions totaling \$1,000 or less and  
6 makes expenditures totaling \$1,000 or less in seeking election and indicates, on a form  
7 prescribed by the commission, an intent not to raise or spend more than \$1,000, each  
8 [EACH] candidate shall make a full report, upon a form prescribed by the commission, listing  
9 the date and amount of each expenditure [ALL EXPENDITURES] made by the candidate, the  
10 total amount of all contributions, including all funds contributed by the candidate, and for each  
11 contribution [ALL CONTRIBUTIONS] in excess of \$250 [\$100] in the aggregate a year, the  
12 name, address, principal occupation, and employer of the contributor and the date and amount  
13 contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and  
14 shall be certified as correct by the candidate or campaign treasurer.

1 \* Sec. 2. AS 15.13.040(b) is amended to read:

2 (b) Each group shall make a full report upon a form prescribed by the commission,  
3 listing

4 (1) the name and address of each officer and director;

5 (2) the aggregate amount of all contributions made to it; and, for all contributions  
6 in excess of \$250 [\$100] in the aggregate a year, the name, address, principal occupation, and  
7 employer of the contributor, and the date and amount contributed by each contributor; and

8 (3) the date and amount of all contributions made by it and all expenditures made,  
9 incurred, or authorized by it.

10 \* Sec. 3. AS 15.13 is amended by adding a new section to read:

11 Sec. 15.13.041. DISBURSEMENT OF CAMPAIGN ACCOUNTS. (a) If a candidate  
12 or a candidate's campaign committee has unexpended and unobligated funds after the date of the  
13 election, or at the time the candidate ceases to be a candidate, those funds shall, before the end  
14 of the calendar year, or within 60 days after the election, or within 60 days after the end of the  
15 candidacy, whichever comes first, be

16 (1) used to retire bona fide loans supported by written documentation including  
17 loans made to a campaign by the candidate or a member of the candidate's immediate family  
18 provided that all other outstanding loans are paid first;

19 (2) used to pay for a victory or thank-you party or to provide a gift of less than  
20 \$300 to a campaign worker;

21 (3) returned on a pro rata basis to those who have made contributions in excess  
22 of \$250 in the aggregate a year;

23 (4) donated to the general fund of the state or of a municipality;

24 (5) donated to one or more organizations that qualify as charitable organizations  
25 under 26 U.S.C. 501(c)(3) provided that the charity is not one that is controlled by the candidate  
26 or a member of the candidate's immediate family;

27 (6) transferred to a new campaign account controlled by the candidate; or

28 (7) transferred, by a candidate elected to the legislature, to that candidate's  
29 legislative office account for expenditures qualifying as business expenses under 26 U.S.C. 162.

30 (b) By the date on which the candidate closes a campaign account under (c) of this  
31 section, the candidate shall declare, on a form provided by the commission, each retained

1 nonmonetary asset that has a value in excess of \$500.

2 (c) A candidate shall close each campaign account within 60 days after the election at  
3 which the candidate sought public office, or at the time the candidate transfers funds under (a)(6)  
4 of this section to a new campaign account, whichever is earlier.

5 (d) In this section,

6 (1) "funds" means cash and other nontangible liquid assets readily converted to  
7 cash, including savings accounts, checking accounts, certificates of deposit and stocks; and

8 (2) "nonmonetary assets" means tangible assets, including office equipment and  
9 furniture.

10 \* Sec. 4. AS 15.13 is amended by adding new sections to read:

11 Sec. 15.13.075. PROHIBITED CAMPAIGN ACTIVITIES BY LOBBYISTS ON  
12 BEHALF OF CANDIDATES. (a) A candidate for governor, for lieutenant governor, or for the  
13 legislature may not solicit, or knowingly allow, a lobbyist to engage in activities on behalf of the  
14 candidate that are prohibited by AS 24.45.121(a)(9).

15 (b) A candidate may not seek to evade the purposes of this section by soliciting, or  
16 knowingly permitting a business entity retained to lobby or an employee of a lobbyist to perform  
17 fund-raising services.

18 (c) In this section,

19 (1) "business entity retained to lobby" means a firm, corporation, or other business  
20 entity that is retained for the primary purpose of influencing legislative or administrative action;

21 (2) "lobbyist" has the meaning given in AS 24.45.171, but does not include a  
22 person described in AS 24.45.161(a) or a representational lobbyist as defined under regulations  
23 of the commission.

24 Sec. 15.13.077. USE OF PUBLIC FUNDS PROHIBITED. The state, agencies of the  
25 state, public corporations of the state, and the University of Alaska may not use public funds to  
26 support or oppose the election of a candidate. A municipality may not use public funds of the  
27 municipality to support or oppose a ballot proposition or the election of a candidate. This section  
28 does not prohibit the expenditure of the public funds of a municipality to provide to the public  
29 factual information regarding a ballot proposition.

30 \* Sec. 5. AS 15.13.090 is amended to read:

31 Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertisements,

1 billboards, handbills, paid-for television and radio announcements, and other communications  
2 intended to influence the election of a candidate or outcome of a ballot proposition or question  
3 shall have their source [BE] clearly identified. The commission may adopt regulations to  
4 implement this section [BY THE WORDS "PAID FOR BY" FOLLOWED BY THE NAME  
5 AND ADDRESS OF THE CANDIDATE, GROUP OR INDIVIDUAL PAYING FOR THE  
6 ADVERTISING. IN ADDITION, CANDIDATES AND GROUPS MUST IDENTIFY THE  
7 NAME OF THEIR CAMPAIGN CHAIRMAN].

8 \* Sec. 6. AS 15.13 is amended by adding new sections to read:

9 Sec. 15.13.102. PROHIBITED USES OF CAMPAIGN FUNDS. A candidate or another  
10 person on behalf of the candidate, including the candidate's campaign committee, may not

11 (1) use funds raised and designated as campaign funds for the personal benefit  
12 of the candidate or another person, or for payment of attorney fees and other legal expenses  
13 arising from civil, criminal, or administrative actions based on conduct not directly related to the  
14 campaign or official duties; this paragraph does not prohibit a gift of less than \$300 to a  
15 campaign worker;

16 (2) convert surplus campaign funds or interest earned on campaign funds to  
17 personal income;

18 (3) borrow from campaign funds or loan them to another person or group;

19 (4) knowingly pay more than the fair market value for goods or services  
20 purchased for the campaign;

21 (5) knowingly pay campaign funds to a member of the candidate's immediate  
22 family for goods or services provided to the campaign unless the amounts paid do not exceed the  
23 fair market value of the goods or services provided; or

24 (6) use campaign funds to pay fines or other monetary penalties or costs assessed  
25 against a candidate by a court or other body, unless the fine, penalty, or cost is assessed as a  
26 result of proscribed actions by a member or employee of a campaign committee or another  
27 person acting on behalf of the candidate under circumstances where the candidate did not know  
28 of those actions.

29 Sec. 15.13.104. TIME LIMITATIONS ON FUND RAISING FOR CANDIDATES. (a)  
30 Except as provided in (d) of this section, a candidate for the legislature may not, either directly,  
31 through a campaign committee, or by other means, solicit or accept a campaign contribution or

1 a promise or pledge to make a contribution except from June 1 through December 31 of the year  
2 preceding the election and from June 1 of the year of the election through the date of the  
3 election.

4 (b) Except as provided in (d) of this section, a candidate for governor or lieutenant  
5 governor may not, either directly, through a campaign committee, or by other means, solicit or  
6 accept a campaign contribution or a promise or pledge to make a contribution except from June  
7 1 of the year preceding the election through the date of the election.

8 (c) Except as provided in (d) of this section, a candidate for municipal office may not,  
9 either directly or through a campaign committee, or by other means, solicit or accept a campaign  
10 contribution or a promise or pledge to make a contribution except from a date one year before  
11 the date of the election through the date of the election.

12 (d) A candidate in an election may solicit or accept campaign contributions, pledges, or  
13 promises, either directly, through a campaign committee, or by other means from a date one day  
14 after the election through December 31 of the year of the election, if liabilities exceed assets in  
15 the candidate's campaign treasury.

16 (e) This section applies to all candidates, including those who are defeated in an election  
17 and those who withdraw their candidacies or have their names removed from the ballot before  
18 the date of the election.

19 (f) Transfers of surplus campaign funds to a new campaign account under  
20 AS 15.13.041(a)(6) are not subject to this section.

21 \* Sec. 7. AS 15.13.110(a) is amended to read:

22 (a) Each candidate and group shall make a full report in accordance with AS 15.13.040  
23 for [DURING] the period ending three days before the due date of the report and beginning on  
24 the last day covered by the most recent previous report. If the report is a first report, it shall  
25 cover the period from the beginning of the campaign to the date [, OR, IF A FIRST  
26 REPORT, ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BEFORE] three  
27 days before the due date of the report. If the report is a report due February 15, it shall  
28 cover the period beginning on the last day covered by the most recent previous report or  
29 on the day that the campaign started, whichever is later, and ending on December 31 of the  
30 prior year. The report shall be filed [AT THE FOLLOWING TIMES:]

31 (1) 30 days before the election; however, this report is not required if the deadline

1 for filing a nominating petition or declaration of candidacy is within 30 days of the election;  
2 (2) one week before the election;  
3 (3) 10 [TEN] days after the election; and  
4 (4) February 15 [DECEMBER 31 OF EACH YEAR] for expenditures made and  
5 contributions received that [WHICH] were not reported during the previous [THAT] year or  
6 when no expenditures were made or contributions received during the previous year.

7 \* Sec. 8. AS 15.13.110(b) is amended to read:

8 (b) Each contribution or expenditure that [WHICH] exceeds \$250 and that [WHICH]  
9 is made within nine days [ONE WEEK] of the election shall be reported to the commission by  
10 date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the  
11 candidate or campaign treasurer.

12 \* Sec. 9. AS 15.13.125 is amended to read:

13 Sec. 15.13.125. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIRED  
14 REPORTS]. A person who fails to file a properly completed and certified report within the time  
15 required by AS 15.13.040(e), 15.13.080, 15.13.110(a)(1), (3), (4), or 15.13.110(d) is subject to  
16 a civil penalty of not more than \$10 a day for each day the delinquency continues as determined  
17 by the commission [SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT]. A  
18 person who fails to file a properly completed and certified report within the time required by  
19 AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of not more than \$50 a day for  
20 each day the delinquency continues as determined by the commission [SUBJECT TO RIGHT OF  
21 APPEAL TO THE SUPERIOR COURT. AN AFFIDAVIT STATING FACTS IN MITIGATION  
22 MAY BE SUBMITTED TO THE COMMISSION BY A PERSON AGAINST WHOM A CIVIL  
23 PENALTY IS ASSESSED. HOWEVER, THE IMPOSITION OF THE PENALTIES  
24 PRESCRIBED IN THIS SECTION OR IN AS 15.13.120 DOES NOT EXCUSE THAT PERSON  
25 FROM FILING REPORTS REQUIRED BY THIS CHAPTER].

26 \* Sec. 10. AS 15.13.125 is amended by adding new subsections to read:

27 (b) A person who violates a provision of this chapter other than a provision for which  
28 a penalty is prescribed by (a) of this section is subject to a civil penalty of not more than \$20,000  
29 for each offense or twice the amount gained by the misconduct that resulted in a violation,  
30 whichever is greater, as determined by the commission. The commission may also assess a  
31 person subject to a penalty under this subsection with the costs of investigating and adjudicating

1 the violation on which the penalty is based. The costs of investigation and adjudication shall be  
2 determined by the commission.

3 (c) An affidavit stating facts in mitigation may be submitted to the commission by a  
4 person against whom a civil penalty is assessed.

5 (d) A determination of the commission under this section is subject to right of appeal to  
6 the superior court.

7 (e) The imposition of the penalties prescribed in this section or in AS 15.13.120 does not  
8 excuse the person from filing reports required by this chapter.

9 \* Sec. 11. AS 15.13 is amended by adding a new section to read:

10 Sec. 15.13.127. RETURN OF ILLEGAL CONTRIBUTIONS. A recipient of a  
11 contribution that is made in violation of a provision of this chapter may not keep the contribution.  
12 The recipient shall return the contribution to the contributor immediately after learning that the  
13 contribution is illegal.

14 \* Sec. 12. AS 24.45.031(b) is amended to read:

15 (b) The commission may

16 (1) hold hearings and conduct investigations into compliance with the provisions  
17 of this chapter;

18 (2) in conjunction with (1) of this subsection, issue subpoenas, compel the  
19 attendance and testimony of witnesses, administer oaths and affirmations, and require the  
20 production of books, papers, records, documents, or other items material to the commission's  
21 duties or powers under this chapter;

22 (3) prepare, publish, and make available to the public semi-annual [, PERIODIC,  
23 BUT AT LEAST QUARTERLY AND ANNUALLY,] summaries of the statements and reports  
24 received; these summaries shall list separately individual lobbyists and employers of lobbyists.

25 \* Sec. 13. AS 24.45.041(e) is amended to read:

26 (e) Within 45 days after the convening of each regular session of the legislature, the  
27 commission shall publish a directory of registered lobbyists, containing the information prescribed  
28 in (b) of this section for each lobbyist [AND THE PHOTOGRAPH, IF ANY, FURNISHED BY  
29 A LOBBYIST UNDER (c) OF THIS SECTION]. From time to time thereafter the commission  
30 shall publish those supplements to the directory that in the commission's judgment may be  
31 necessary. The directory shall be made available to public officials and to the public at the

1 following locations: a public place adjacent to the legislative chambers in the state capitol  
2 building, [THE OFFICE OF THE LIEUTENANT GOVERNOR, THE LEGISLATIVE  
3 REFERENCE LIBRARY OF] the Legislative Affairs Agency, and the commission's central  
4 office.

5 \* Sec. 14. AS 24.45.061(a) is repealed and reenacted to read:

6 (a) A person who employs, retains, or contracts for the services of a lobbyist shall sign  
7 that portion of the lobbyist's registration statement verifying the person's employment of,  
8 retention of, or contract for lobbying services with the lobbyist.

9 \* Sec. 15. AS 24.45.061(b) is amended to read:

10 (b) A person who employs, retains, or who contracts for the services of one or more  
11 lobbyists, whether independently or jointly with other persons, and who directly or indirectly  
12 makes payments to influence legislative or administrative action shall file an annual [A  
13 QUARTERLY] report containing

14 (1) the full name, complete business address, and telephone number of the person  
15 making the report;

16 (2) information sufficient to identify the nature and interests of the person making  
17 the report;

18 (3) the total amount of payments made to influence legislative or administrative  
19 action during the period, and the name and address of each person to whom these payments have  
20 been made during the period by the maker of the report, together with the date and amount;

21 (4) the date and nature of any gift exceeding \$100 in value made to any public  
22 official and the full name and official position of the recipient of each gift;

23 (5) a general description of the legislative or administrative action which the  
24 person making the report has attempted to influence;

25 (6) the name of each lobbyist employed or retained by the person making the  
26 report, together with the total amount paid to each lobbyist and the portion of that amount, if any,  
27 that [WHICH] was paid for specific purposes, including salary, fees, and reimbursement for  
28 expenses; and

29 (7) a notice of termination if the person filing a report has ceased employing or  
30 retaining a lobbyist registered under this chapter and if this report constitutes the final report of  
31 the lobbyist's activities on behalf of the maker of the report.

1 \* Sec. 16. AS 24.45.081 is amended to read:

2           Sec. 24.45.081. REPORTING PERIODS. Lobbyist reports [REPORTS] required under  
3 this chapter shall be filed during the calendar month following each calendar month during any  
4 part of which the legislature was in session and during the month following each calendar quarter  
5 when the legislature was not in session. However, if a lobbyist registered under this chapter has  
6 declared that the lobbyist seeks only to influence administrative action and not legislative action,  
7 the lobbyist need only file a report required under this chapter for each calendar quarter. The  
8 period covered shall be the calendar month or the calendar quarter, as applicable, and shall in any  
9 event cover the period from the date of the last report filed under this chapter to the date of the  
10 end of the calendar month or quarter, as applicable, for which the report is being filed. The  
11 period covered shall not include any months covered in previous reports filed by the same person.  
12 When total amounts are required to be reported, totals shall be stated both for the period covered  
13 by the statement and for the entire calendar year to date.

14 \* Sec. 17. AS 24.45.081 is amended by adding a new subsection to read:

15           (b) Annual employer reports required under this chapter shall be filed within 30 days  
16 after all lobbying activities on behalf of the employer in a calendar year are terminated or, if  
17 lobbying activities on behalf of the employer do not terminate before the end of a calendar year,  
18 on or before January 30 of the following year.

19 \* Sec. 18. AS 24.45.121(a) is amended to read:

20           (a) A lobbyist may not

- 21                   (1) engage in any activity as a lobbyist before registering under AS 24.45.041;
- 22                   (2) do anything with the intent of placing a public official under personal  
23 obligation to the lobbyist or to the lobbyist's employer;
- 24                   (3) intentionally deceive or attempt to deceive any public official with regard to  
25 any material fact pertinent to pending or proposed legislative or administrative action;
- 26                   (4) cause or influence the introduction of a legislative measure for the purpose  
27 of thereafter being employed to secure its defeat;
- 28                   (5) cause a communication to be sent to a public official in the name of any  
29 fictitious person or in the name of any real person, except with the consent of that person;
- 30                   (6) accept or agree to accept any payment in any way contingent upon the defeat,  
31 enactment or outcome of any proposed legislative or administrative action;

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

3 (8) use state property or resources in the conduct of the lobbyist's business  
4 unless the use is nominal and the use is available to members of the general public;

5 (9) serve as a campaign manager, a campaign treasurer, a deputy campaign  
6 treasurer, or a member of a finance or fund-raising committee, if the lobbyist has registered  
7 during the calendar year; this paragraph does not apply to a representational lobbyist as  
8 defined in the regulations of the Alaska Public Offices Commission, and does not prohibit  
9 a lobbyist from making personal contributions to or personally advocating on behalf of a  
10 candidate.

11 \* Sec. 19. AS 24.45.141 is amended to read:

12 Sec. 24.45.141. CIVIL PENALTIES [PENALTY: LATE REGISTRATION, FILING OF  
13 REQUIRED STATEMENTS OR REPORTS]. A person who fails to register or file the  
14 properly completed and certified statement required under AS 24.45.041 within the time  
15 required by this chapter is subject to a civil penalty of not more than \$50 a day for each  
16 day the delinquency continues as determined by the commission. A person who fails to  
17 register or to file a properly completed and certified report or statement, as applicable, other  
18 than the statement required under AS 24.45.041, within the time required by this chapter is  
19 subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as  
20 determined by the commission [SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR  
21 COURT. AN AFFIDAVIT STATING FACTS IN MITIGATION MAY BE SUBMITTED TO  
22 THE COMMISSION BY A PERSON AGAINST WHOM A CIVIL PENALTY IS ASSESSED.  
23 HOWEVER, THE IMPOSITION OF THE PENALTIES PRESCRIBED IN THIS SECTION OR  
24 IN AS 24.45.151 DOES NOT EXCUSE THE LOBBYIST OR EMPLOYER OF A LOBBYIST  
25 FROM FILING STATEMENTS OR REPORTS REQUIRED BY THIS CHAPTER].

26 \* Sec. 20. AS 24.45.141 is amended by adding new subsections to read:

27 (b) A person who violates a provision of this chapter other than a provision for which  
28 a penalty is prescribed by (a) of this section is subject to a civil penalty of not more than \$20,000  
29 for each offense or twice the amount gained by the misconduct that resulted in a violation,  
30 whichever is greater, as determined by the commission. The commission may also assess a  
31 person subject to a penalty under this subsection with the costs of investigating and adjudicating

1 the violation on which the penalty is based. The costs of investigation and adjudication shall be  
2 determined by the commission.

3 (c) An affidavit stating facts in mitigation may be submitted to the commission by a  
4 person against whom a civil penalty is assessed under this section.

5 (d) A determination of the commission under this section is subject to right of appeal to  
6 the superior court.

7 (e) The imposition of penalties prescribed in this section or in AS 24.45.151 does not  
8 excuse the person from filing reports required under this chapter.

9 \* Sec. 21. AS 39.50.020 is amended to read:

10 Sec. 39.50.020. REPORT OF FINANCIAL AND BUSINESS INTERESTS. (a) A  
11 judicial officer, commissioner, chairman or member of a state commission or board specified in  
12 AS 39.50.200(b), a person hired or appointed as head or deputy head of, or director of a division  
13 within, a department in the executive branch, a person appointed as assistant to the governor,  
14 [AND] a municipal officer, and a legislative director shall file a statement giving income  
15 sources and business interests, under oath and on penalty of perjury, within 30 days after taking  
16 office as a public official. Candidates for state elective office shall file such a statement with  
17 the director of elections at the time of filing a declaration of candidacy or within 30 days of the  
18 filing of any nominating petition, or within 30 days of becoming a candidate by any other means.  
19 Candidates for elective municipal office shall file such a statement at the time of filing a  
20 nominating petition, declaration of candidacy, or other required filing for the elective municipal  
21 office. Refusal or failure to file within the time prescribed shall require that the candidate's  
22 filing fees, if any, and filing for office be refused or that a previously accepted filing fee be  
23 returned and the candidate's name removed from the filing records. A statement shall also be  
24 filed by public officials no later than April 15 or 15 days after the person files a federal income  
25 tax return in each following year, whichever comes first. Persons who are [, ON OR AFTER  
26 DECEMBER 11, 1974, WERE] members of boards or commissions not named in  
27 AS 39.50.200(b) are not required to file financial statements.

28 (b) The governor, lieutenant governor, members of the legislature, a legislative director,  
29 a judicial officer [OFFICERS], each commissioner, head or deputy head of, or director of a  
30 division within, a department in the executive branch, assistant to the governor or chairman or  
31 member of a commission or board required to report under this chapter, shall file the statement

1 with the Alaska Public Offices Commission. Candidates for the office of governor, lieutenant  
2 governor, and the legislature shall file the statement under AS 15.25.030 or 15.25.180. Municipal  
3 officers, and candidates for elective municipal office, shall file with the municipal clerk or other  
4 municipal official designated to receive their filing for office. All statements required to be filed  
5 under this chapter are public records.

6 \* Sec. 22. AS 39.50.020 is amended by adding a new subsection to read:

7 (c) A person is not required to comply with this section to the extent that a court of  
8 competent jurisdiction of the state determines that legally privileged professional relationships  
9 or constitutional privacy considerations would be violated by compliance.

10 \* Sec. 23. AS 39.50.030(a) is amended to read:

11 (a) Each statement shall be an accurate representation of the financial affairs of the public  
12 official or candidate and shall contain the same information for each member of the person's  
13 family, as specified in (b) of this section, to the extent that it is ascertainable by the public  
14 official or candidate. [AN ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS,  
15 AND PERSONAL EFFECTS NEED NOT BE IDENTIFIED.]

16 \* Sec. 24. AS 39.50.030(b) is amended to read:

17 (b) Each statement filed by a public official or candidate under this chapter shall include  
18 the following:

19 (1) the source of all income over \$1,000 [\$100] during the preceding calendar  
20 year, including taxable and nontaxable capital gains, received by the person, the person's spouse  
21 or dependent child, or a nondependent child of the person who is living with that person; a  
22 legislator, candidate for the legislature, or legislative director stating a source of income  
23 received as compensation for personal services shall also state the name and address of the  
24 source of the income, the nature of the services performed, and if the source of income is  
25 known or reasonably should be known to have a substantial interest in legislative,  
26 administrative, or political action, the amount of income received by the source;

27 (2) the identity, by name and address, of each business in which the person, the  
28 person's spouse or dependent child, or a nondependent child of the person who is living with that  
29 person was a stockholder, owner, officer, director, partner, proprietor, or employee during the  
30 preceding calendar year;

31 (3) the identity and nature of each interest owned in any business during the

1 preceding calendar year by the person, the person's spouse or dependent child, or a nondependent  
2 child of the person who is living with that person;

3 (4) the identity and nature of each interest in real property, including an option  
4 to buy, owned at any time during the preceding calendar year by the person, the person's spouse  
5 or dependent child, or a nondependent child of the person who is living with that person;

6 (5) the identity of each trust or other fiduciary relation in which the person, the  
7 person's spouse or dependent child, or a nondependent child of the person who is living with that  
8 person held a beneficial interest exceeding \$1,000 during the preceding calendar year, a  
9 description and identification of the property contained in each trust or relation, and the nature  
10 and extent of the beneficial interest in it;

11 (6) any loan or loan guarantee made to the person, the person's spouse or  
12 dependent child, or a nondependent child of the person who is living with that person, and the  
13 identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the  
14 person, the person's spouse or dependent child, of a nondependent child of the person who lives  
15 with that person owed more than \$1,000; a legislator, candidate for the legislature, or  
16 legislative director stating a loan or loan guarantee from a source with a substantial interest  
17 in legislative, administrative, or political action shall also state the name and address of the  
18 person making the loan or the guarantee, the amount of the loan, the terms and conditions  
19 under which the loan or guarantee was given, the amount outstanding at the time of filing,  
20 and whether or not a written loan agreement exists [\$500 OR MORE];

21 (7) a list of all contracts and offers to contract with the state or an instrumentality  
22 of the state during the preceding calendar year held, bid, or offered by the person, the person's  
23 spouse or dependent child, a nondependent child of the person who is living with that person,  
24 a partnership or professional corporation of which the person is a member or shareholder  
25 [THE PERSON'S MOTHER OR FATHER], or a corporation in which the person or the person's  
26 spouse or children, or a combination of them, hold a controlling interest; [AND]

27 (8) a list of all mineral, timber, oil, or any other natural resource lease held, or  
28 lease offer made, during the preceding calendar year by the person, the person's spouse, the  
29 person's dependent child, a nondependent child of the person who is living with that person,  
30 [THE PERSON'S MOTHER OR FATHER,] a partnership or professional corporation of which  
31 the person is a member, or a corporation in which the person or the person's spouse or children,

1 or a combination of them, holds a controlling interest; and  
2 (9) the source of a gift, other than an inheritance, received during the  
3 preceding calendar year by the person, the person's spouse or dependent child, or a  
4 nondependent child of the person who is living with the person, if the amount of the gift  
5 exceeds  
6 preceding calendar year  
7 (A) \$100 and is received from a person who is not a member of the  
8 recipient's family; or  
9 (B) \$10,000 per year and is received from a family member of the  
10 recipient.

10 \* Sec. 25. AS 39.50.030 is amended by adding a new subsection to read:

11 (d) In this section, a person has a substantial interest in legislative, administrative, or  
12 political action if the person: (1) is not a natural person and will be directly and substantially  
13 affected financially by a legislative, administrative, or political action; (2) is a natural person and  
14 will be directly and substantially affected financially by a legislative, administrative, or political  
15 action in a way that is greater than the effect on a substantial class of persons to which the  
16 person belongs as a member of a profession, occupation, industry, or region; (3) has or seeks  
17 contracts in excess of \$10,000 annually for goods or services with the legislature or with an  
18 agency of the state; or (4) is required to register under AS 24.45.041 and is described under  
19 AS 24.45.171(8)(A), but is not a volunteer lobbyist described in AS 24.45.161(a)(1) or a  
20 representational lobbyist as defined under regulations of the Alaska Public Offices Commission.  
21 For the purpose of this subsection, the state, the federal government, and an agency, corporation,  
22 or other entity of or owned by the state or federal government do not have a substantial interest  
23 in legislative, administrative, or political action.

24 \* Sec. 26. AS 39.50.050(d) is amended to read:

25 (d) To facilitate the filing of reports under AS 24.45 (Regulation of Lobbying) and the  
26 information required to be provided under AS 24.45.051(4) [AND (5)], the commission shall  
27 publish copies of the reports required under this chapter not later than the convening of each  
28 regular session of the legislature. Copies of this publication shall be provided on request;  
29 however, the commission may make a charge for the publication that may not exceed the actual  
30 cost of printing, postage and handling.

31 \* Sec. 27. AS 39.50.050 is amended by adding a new subsection to read:

1 (e) The Alaska Public Offices Commission shall examine, investigate, and compare all  
2 reports and statements required under AS 39.50.020.

3 \* Sec. 28. AS 39.50.135 is amended to read:

4 Sec. 39.50.135. CIVIL PENALTIES [PENALTY: LATE FILING OF REQUIRED  
5 REPORTS]. A person who fails to file a properly completed and certified report within the time  
6 required by this chapter is subject to a civil penalty of not more than \$10 a day for each day the  
7 delinquency continues as the commission determines [SUBJECT TO APPEAL TO THE  
8 SUPERIOR COURT. AN AFFIDAVIT STATING FACTS IN MITIGATION MAY BE  
9 SUBMITTED TO THE COMMISSION BY A PERSON AGAINST WHOM A CIVIL  
10 PENALTY IS ASSESSED. HOWEVER, THE IMPOSITION OF THE PENALTIES  
11 PRESCRIBED IN THIS SECTION OR IN AS 39.50.060 - 39.50.130 DOES NOT EXCUSE  
12 THAT PERSON FROM FILING REPORTS REQUIRED BY THIS CHAPTER].

13 \* Sec. 29. AS 39.50.135 is amended by adding new subsections to read:

14 (b) In addition to other penalties prescribed in this chapter, a person who violates a  
15 provision of this chapter other than a provision for which a penalty is prescribed in (a) of this  
16 section is subject to a civil penalty of not more than \$20,000 for each offense or twice the  
17 amount gained by the misconduct that resulted in a violation, whichever is greater, as determined  
18 by the commission. The commission may also assess a person subject to a penalty under this  
19 subsection with the costs of investigating and adjudicating the violation on which the penalty is  
20 based. The costs of investigation and adjudication shall be determined by the commission.

21 (c) An affidavit stating facts in mitigation may be submitted to the commission by a  
22 person against whom a civil penalty is assessed under this section.

23 (d) A determination of the commission under this section is subject to right of appeal to  
24 the superior court.

25 (e) The imposition of penalties prescribed in this section or elsewhere in this chapter does  
26 not excuse the person from filing reports required under this chapter.

27 \* Sec. 30. AS 39.50 is amended by adding a new section to read:

28 Sec. 39.50.147. APPLICABILITY OF CHAPTER. This chapter does not apply to a  
29 municipal officer in a municipality with a population under 1,000 according to the latest United  
30 States census figures or according to population estimates that are certified correct for  
31 administrative purposes by the Department of Community and Regional Affairs.

1 \* **Sec. 31.** AS 39.50 is amended by adding a new section to read:

2           **Sec. 39.50.160. STATEMENTS AS PUBLIC RECORDS.** A statement filed with the  
3 Alaska Public Offices Commission under AS 39.50.020 is a public record.

4 \* **Sec. 32.** AS 39.50.200(a) is amended to read:

5           **(a)** In this chapter

6                   (1) "assistant to the governor" includes any executive, legislative, special,  
7 administrative or press assistant to the governor, and any person similarly employed;

8                   (2) "child" includes a biological child, an adoptive child, and a stepchild;

9                   (3) "commission" means the Alaska Public Offices Commission created under  
10 AS 15.13.020(a);

11                   (4) "income" means assets that are received, regardless of whether they are  
12 earned or unearned; inheritances and other gifts are not income;

13                   (5) "instrumentality of the state" means a state department or agency, whether in  
14 the legislative, judicial, or executive branch, including such entities as the University of Alaska  
15 and the Alaska State Housing Authority;

16                   (6) [(5)] "judicial officer" means a person appointed as a justice to the supreme  
17 court or as a judge to the court of appeals, superior court, district court, or magistrate court;

18                   (7) "legislative director" means the fiscal analyst of the legislative finance  
19 division, the legislative auditor of the legislative audit division, the executive director of the  
20 legislative affairs agency, and the directors of the divisions within the legislative affairs  
21 agency;

22                   (8) [(6)] "mother or father" includes a biological parent, an adoptive parent, and  
23 a step-parent;

24                   (9) [(7)] "municipal officer" includes a borough or city mayor, borough  
25 assemblyman, city councilman, school board member, elected utility board member, city or  
26 borough manager, members of a city or borough planning or zoning commission within a home  
27 rule or general law city or borough, or a unified municipality;

28                   (10) [(8)] "public official" means a judicial officer, a member of the legislature,  
29 a legislative director, [THE FISCAL ANALYST OF THE LEGISLATIVE FINANCE  
30 DIVISION, THE LEGISLATIVE AUDITOR OF THE LEGISLATIVE AUDIT DIVISION, THE  
31 EXECUTIVE DIRECTOR OF THE LEGISLATIVE AFFAIRS AGENCY AND THE

1 DIRECTORS OF THE DIVISIONS WITHIN THE LEGISLATIVE AFFAIRS AGENCY,] the  
2 governor, the lieutenant governor, a person hired or appointed as the head or deputy head of, or  
3 director of a division within a department in the executive branch, an assistant to the governor,  
4 chairman or member of a state commission or board, the executive director of the Alaska  
5 Tourism Marketing Council, and each appointed or elected municipal officer;

6 (11) [(9)] "source of income" means the entity for which service is performed or  
7 which is otherwise the origin of payment; if the person whose income is being reported is  
8 employed by another, the employer is the source of income; but if the person whose income is  
9 being reported is self-employed by means of a [SOLE PROPRIETORSHIP, PARTNERSHIP,  
10 PROFESSIONAL CORPORATION, OR A] corporation in which the person, the person's spouse  
11 or children, or a combination of them has [, HOLD] a controlling interest, or is self-employed  
12 by means of a sole proprietorship, an interest in a partnership, or an interest in a  
13 professional corporation, the "source of income" is the client or customer of the proprietorship,  
14 partnership or corporation, but if the entity which is the origin of payment is not the same as the  
15 client or customer for whom the service is performed, both are considered the source;

16 \* Sec. 33. AS 24.45.041(c), 24.45.051(5), and 24.45.116 are repealed.

17 \* Sec. 34. This Act takes effect January 1, 1993.