

HB

28

Sponsor Statement

HB 28

Accessible Legislative Sessions

Representative Scott Ogan

I have introduced HB 28 based on one of the most fundamental principles of our American government, public participation.


Juneau, by virtue of its geographic location and lack of highway access, is not easily accessible to the vast majority of Alaskans.

HB 28 would allow legislators, by majority vote, to conduct future Legislatures in areas outside of Southeast Alaska as often as every other year.

Municipalities that feel it would be in their interest to host these central legislative sessions would send proposals for the Legislature to consider as they weigh both the logistics and costs of more centralized sessions.

Nothing in this legislation requires such sessions but rather allows them if it is economically and logistically feasible in the future.

Memorandum

To: Representative John Coghill / Chair, State Affairs Committee
From: Representative Scott Ogan / Sponsor HB 28 
Date: February 6, 2001
Re: Request for hearing for HB 28

House Bill 28 that would allow the legislature to hold Legislative sessions outside of Juneau has been referred to your committee.

I would be honored if you would schedule this measure for hearings so that we might move toward some measure of real due process for those citizens presently disenfranchised from personal participation in their government.

Thank you for your consideration in this request.



REPRESENTATIVE SCOTT OGAN

Alaska State Legislature

House District 27 • Palmer • Greater Palmer • Sutton • Chickaloon • Sheep Mountain

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Nothing in this legislation requires such sessions but rather allows them if it is economically and logistically feasible in the future.

HOUSE BILL NO. 28

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

BY REPRESENTATIVE OGAN

Introduced: 1/8/01

Referred: State Affairs, Finance

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to the location of legislative sessions; and providing for an effective
2 date."

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

4 * **Section 1.** AS 15.13.072(d) is amended to read:

5 (d) A candidate or an individual who has filed with the commission the
6 document necessary to permit that individual to incur election-related expenses under
7 AS 15.13.100 for election or reelection to the state legislature may not solicit or accept
8 a contribution while the legislature is convened in a regular or special legislative
9 session unless the solicitation or acceptance occurs

10 (1) during the 90 days immediately preceding an election in which the
11 candidate or individual is a candidate; and

12 (2) in a place other than the location of the session [CAPITAL CITY].

13 * **Sec. 2.** AS 15.13.072(g) is amended to read:

14 (g) A candidate or an individual who has filed with the commission the

1 document necessary to permit that individual to incur election-related expenses under
2 AS 15.13.100 for election or reelection to the office of governor or lieutenant governor
3 may not, [SOLICIT OR ACCEPT A CONTRIBUTION IN THE CAPITAL CITY]
4 while the legislature is convened in a regular or special legislative session, solicit or
5 accept a contribution in the location in which the session is being held.

6 * Sec. 3. AS 24.05.090 is amended to read:

7 **Sec. 24.05.090. Regular sessions.** The legislature shall convene [AT THE
8 CAPITAL] each year on the second Monday in January at 10:00 a.m.; however,
9 following a gubernatorial election year, the legislature shall convene on the third
10 Tuesday in January at 10:00 a.m. Except as provided in this section, each legislature
11 shall have a duration of two years and shall consist of a "First Regular Session," which
12 shall meet in the odd-numbered years, and a "Second Regular Session," which shall
13 meet in the even-numbered years, and any special session or sessions that the governor
14 or legislature may find necessary to call. Each first regular session shall be held at
15 the capital, and each second regular session shall be held at a location outside of
16 the Southeast region of the state designated in a concurrent resolution adopted by
17 the legislature. During consideration of the resolution, the legislature shall
18 review each proposal submitted by a municipality seeking to be designated as the
19 location of the session. If the legislature fails to adopt a concurrent resolution
20 designating the location of a second regular session, the session shall be held at
21 the capital.

22 * Sec. 4. AS 24.10.030 is amended to read:

23 **Sec. 24.10.030. Chief clerk and senate secretary.** Each house shall select
24 from outside its membership a person of known stenographic and administrative
25 ability to serve as chief administrative clerk; a chief clerk in the house of
26 representatives and a secretary in the senate. When nominated and elected in
27 conformity with the uniform rules, they continue to serve for the duration of the
28 legislature at the pleasure of the house to which assigned. Pending the organization of
29 a new legislature, they may continue to serve at the request and direction of the
30 legislative council until their respective houses formally reappoint or replace them.
31 The chief clerk and senate secretary are responsible for the performance of duties

1 provided for by law, the uniform rules, and orders of the house. They may be
 2 requested to report to the legislative council for duty for a period not to exceed two
 3 weeks immediately preceding the convening of the session and shall remain at the
 4 location of the session [CAPITAL] until the completion of their work relating to
 5 that session as [IS] determined by the director of the council.

6 * **Sec. 5.** AS 24.10.130(a) is amended to read:

7 (a) A member of the legislature is entitled to reimbursement for the expenses
 8 of moving between the member's place of residence and the location of the session
 9 [CAPITAL CITY] for the purpose of attending a regular session of the legislature.

10 * **Sec. 6.** AS 24.45.041(b) is amended to read:

11 (b) The registration form prescribed by the commission must include

12 (1) the lobbyist's full name and complete permanent residence and
 13 business address and telephone number, as well as any temporary residential and
 14 business address and telephone number in the location of the session [STATE
 15 CAPITAL] during a regular legislative session;

16 (2) the full name and complete address of each person by whom the
 17 lobbyist is retained or employed;

18 (3) whether the person from whom the lobbyist receives compensation
 19 employs the person solely as a lobbyist or whether the person is a regular employee
 20 performing other services for the employer that include but are not limited to the
 21 influencing of legislative or administrative action;

22 (4) the nature or form of the lobbyist's compensation for engaging in
 23 lobbying, including salary, fees, or reimbursement for expenses received in
 24 consideration for, or directly in support of or in connection with, the influencing of
 25 legislative or administrative action;

26 (5) a general description of the subjects or matters on which the
 27 registrant expects to lobby or to engage in the influencing of legislative or
 28 administrative action;

29 (6) the full name and complete address of the person, if other than the
 30 registrant, who has custody of the accounts, books, papers, bills, receipts, and other
 31 documents required to be maintained under this chapter;

1 (7) the identification of a legislator, legislative employee, or public
 2 official to whom the lobbyist is married or who is the spousal equivalent of the
 3 lobbyist; in this paragraph, "spousal equivalent" has the meaning given in
 4 AS 39.50.030(g).

5 * **Sec. 7.** AS 24.45.041(e) is amended to read:

6 (e) Within 45 days after the convening of each regular session of the
 7 legislature, the commission shall publish a directory of registered lobbyists, containing
 8 the information prescribed in (b) of this section for each lobbyist and the photograph,
 9 if any, furnished by a lobbyist under (c) of this section. From time to time thereafter
 10 the commission shall publish those supplements to the directory that in the
 11 commission's judgment may be necessary. The directory shall be made available to
 12 public officials and to the public at the following locations: a public place adjacent to
 13 the legislative chambers in the location of the session [STATE CAPITOL
 14 BUILDING], the office of the lieutenant governor, the legislative reference library of
 15 the Legislative Affairs Agency, and the commission's central office.

16 * **Sec. 8.** AS 24.50.010 is amended to read:

17 **Sec. 24.50.010. Annual student guests.** The legislature may each year while
 18 in session serve as host to one member of each high school in the state for a stay of
 19 one week [IN THE CAPITAL] to observe and learn the legislative process.

20 * **Sec. 9.** AS 24.50.040 is amended to read:

21 **Sec. 24.50.040. Essay contest.** Before leaving [THE STATE CAPITAL],
 22 each legislative guest hosted under AS 24.50.010 shall prepare and submit to the
 23 director of the Legislative Affairs Agency a paper of not less than 1,000 words entitled
 24 "The Legislature Should". Each paper shall be examined and judged as to
 25 content by the governor, the president of the senate, the speaker of the house of
 26 representatives, the minority leader of the senate, and the minority leader of the house.
 27 The author of the paper determined best by majority vote shall receive a one-year
 28 scholarship to the University of Alaska.

29 * **Sec. 10.** AS 24.60.030(a) is amended to read:

30 (a) A legislator or legislative employee may not
 31 (1) solicit, agree to accept, or accept a benefit other than official

1 compensation for the performance of public duties; this paragraph may not be
 2 construed to prohibit lawful solicitation for and acceptance of campaign contributions
 3 or the acceptance of a lawful gratuity under AS 24.60.080;

4 (2) use public funds, facilities, equipment, services, or another
 5 government asset or resource for a nonlegislative purpose, for involvement in or
 6 support of or opposition to partisan political activity, or for the private benefit of either
 7 the legislator, legislative employee, or another person; this paragraph does not prohibit

8 (A) limited use of state property and resources for personal
 9 purposes if the use does not interfere with the performance of public duties and
 10 either the cost or value related to the use is nominal or the legislator or
 11 legislative employee reimburses the state for the cost of the use;

12 (B) the use of mailing lists, computer data, or other information
 13 lawfully obtained from a government agency and available to the general
 14 public for nonlegislative purposes;

15 (C) telephone or facsimile use that does not carry a special
 16 charge;

17 (D) the legislative council, notwithstanding AS 24.05.190,
 18 from designating a public facility for use by legislators and legislative
 19 employees for health or fitness purposes; when the council designates a facility
 20 to be used by legislators and legislative employees for health or fitness
 21 purposes, it shall adopt guidelines governing access to and use of the facility;
 22 the guidelines may establish times in which use of the facility is limited to
 23 specific groups; or

24 (E) a legislator from using the legislator's private office in the
 25 location in which a legislative session is being held [CAPITAL CITY]
 26 during the [A LEGISLATIVE] session, and for the five days immediately
 27 before and the five days immediately after the [A] legislative session, for
 28 nonlegislative purposes if the use does not interfere with the performance of
 29 public duties and if there is no cost to the state for the use of the space and
 30 equipment, other than utility costs and minimal wear and tear, or the legislator
 31 promptly reimburses the state for the cost; an office is considered a legislator's

1 private office under this subparagraph if it is the primary space [IN THE
2 CAPITAL CITY] reserved for use by the legislator in the location in which
3 the legislative session is being held, whether or not it is shared with others;

4 (3) knowingly seek, accept, use, allocate, grant, or award public funds
5 for a purpose other than that approved by law, or make a false statement in connection
6 with a claim, request, or application for compensation, reimbursement, or travel
7 allowances from public funds;

8 (4) require a legislative employee to perform services for the private
9 benefit of the legislator or employee at any time, or allow a legislative employee to
10 perform services for the private benefit of a legislator or employee on government
11 time; it is not a violation of this paragraph if the services were performed in an
12 unusual or infrequent situation and the person's services were reasonably necessary to
13 permit the legislator or legislative employee to perform official duties;

14 (5) use or authorize the use of state funds, facilities, equipment,
15 services, or another government asset or resource for the purpose of political fund
16 raising or campaigning; this paragraph does not prohibit

17 (A) limited use of state property and resources for personal
18 purposes if the use does not interfere with the performance of public duties and
19 either the cost or value related to the use is nominal or the legislator or
20 legislative employee reimburses the state for the cost of the use;

21 (B) the use of mailing lists, computer data, or other information
22 lawfully obtained from a government agency and available to the general
23 public for nonlegislative purposes;

24 (C) telephone or facsimile use that does not carry a special
25 charge;

26 (D) storing or maintaining, consistent with (b) of this section,
27 election campaign records in a legislator's office; or

28 (E) a legislator from using the legislator's private office in the
29 location in which a legislative session is being held [CAPITAL CITY]
30 during the [A LEGISLATIVE] session, and for the five days immediately
31 before and the five days immediately after the [A] legislative session, for

1 nonlegislative purposes if the use does not interfere with the performance of
2 public duties and if there is no cost to the state for the use of the space and
3 equipment, other than utility costs and minimal wear and tear, or the legislator
4 promptly reimburses the state for the cost; an office is considered a legislator's
5 private office under this subparagraph if it is the primary space [IN THE
6 CAPITAL CITY] reserved for use by the legislator in the location in which
7 the legislative session is being held, whether or not it is shared with others.

8 * **Sec. 11.** AS 24.60.031(a) is amended to read:

9 (a) A legislator or legislative employee may not

10 (1) on a day when either house of the legislature is in regular or special
11 session, solicit or accept a contribution or a promise or pledge to make a contribution
12 for a campaign for the state legislature; however, a legislator or legislative employee
13 may, except in the location in which the session is being held [CAPITAL CITY],
14 solicit or accept a contribution, promise, or pledge for a campaign for the state
15 legislature that occurs during the 90 days immediately preceding an election;

16 (2) accept money from an event held on a day when either house of the
17 legislature is in regular or special session if a substantial purpose of the event is to
18 raise money on behalf of the member or legislative employee for state legislative
19 political purposes; however, this paragraph does not prohibit a legislator or legislative
20 employee from accepting money from an event held in a place other than the location
21 in which the session is being held [CAPITAL CITY] during the 90 days immediately
22 preceding an election; or

23 (3) in a campaign for the state legislature, expend money that was
24 raised on a day when either house of the legislature was in a legislative session by or
25 on behalf of a legislator under a declaration of candidacy or a general letter of intent to
26 become a candidate for public office; however, this paragraph does not apply to
27 money raised in a place other than the location in which the session is being held
28 [CAPITAL CITY] during the 90 days immediately preceding an election.

29 * **Sec. 12.** AS 24.60.080(c) is amended to read:

30 (c) Notwithstanding (a) of this section, it is not a violation of this section for a
31 legislator or legislative employee to accept

1 (1) hospitality, other than hospitality described in (4) of this
2 subsection,

3 (A) with incidental transportation at the residence of a person;
4 however, a vacation home located outside the state is not considered a
5 residence for the purposes of this subparagraph; or

6 (B) at a social event or meal;

7 (2) discounts that are available

8 (A) generally to the public or to a large class of persons to
9 which the person belongs; or

10 (B) when on official state business, but only if receipt of the
11 discount benefits the state;

12 (3) food or foodstuffs indigenous to the state that are shared generally
13 as a cultural or social norm;

14 (4) travel and hospitality primarily for the purpose of obtaining
15 information on matters of legislative concern;

16 (5) gifts from the immediate family of the person;

17 (6) gifts that are not connected with the recipient's legislative status;

18 (7) a discount for all or part of a legislative session, including time
19 immediately preceding or following the session, or other gift to welcome a legislator
20 or legislative employee who is employed on the personal staff of a legislator or by a
21 standing or special committee to the location in which the session is being held
22 [CAPITAL CITY] or in recognition of the beginning of a legislative session if the gift
23 or discount is available generally to all legislators and the personal staff of legislators
24 and staff of standing and special committees; this paragraph does not apply to
25 legislative employees who are employed by the Legislative Affairs Agency, the office
26 of the chief clerk, the office of the senate secretary, the legislative budget and audit
27 committee, or the office of the ombudsman; or

28 (8) a gift of legal services in a matter of legislative concern and a gift
29 of other services related to the provision of legal services in a matter of legislative
30 concern.

31 * **Sec. 13.** AS 44.06.050 is amended to read:

1 **Sec. 44.06.050. Purpose of AS 44.06.050 - 44.06.060.** The purpose of
2 AS 44.06.050 - 44.06.060 is to guarantee to the people their right to know and to
3 approve in advance all costs of relocating the capital [OR THE LEGISLATURE]; to
4 insure that the people will have an opportunity to make an informed and objective
5 decision on relocating the capital [OR THE LEGISLATURE] with all pertinent data
6 concerning the costs to the state; and to insure that the costs of relocating the capital
7 [OR THE LEGISLATURE] will not be incurred by the state without the approval of
8 the electorate.

9 * **Sec. 14.** AS 44.06.055 is amended to read:

10 **Sec. 44.06.055. Relocation expenditures.** State money may be expended to
11 relocate physically the capital [OR THE LEGISLATURE] from the present location
12 only after a majority of those voting in a statewide election have approved a bond
13 issue that includes all bondable costs to the state of the relocation of a functional state
14 [LEGISLATURE OR] capital to the new site over the twelve-year period following
15 such approval. The commission established in AS 44.06.060 shall determine all
16 bondable costs and total costs including, but not limited to, the costs of moving
17 personnel and offices to the relocation site; the social, economic, and environmental
18 costs to the present and relocation sites; and the costs to the state of planning, building,
19 furnishing, using, and financing facilities at least equal to those provided by the
20 present capital city.

21 * **Sec. 15.** AS 44.06.060 is amended to read:

22 **Sec. 44.06.060. Commission.** The legislature shall establish a commission
23 composed of nine members, including a chairperson and two persons from each
24 judicial district, appointed by the governor and confirmed by the legislature, to
25 determine the costs required by initiatives or legislative enactments authorizing
26 relocation of any of the present functions of the executive or judicial branches of
27 state government.

28 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
29 read:

30 **APPLICABILITY.** This Act applies beginning with the convening of the Second
31 Session of the Twenty-Third Alaska State Legislature.

1 * **Sec. 17.** This Act takes effect July 1, 2003.