

HB

489

*3.14.06
New moved
out w/ individual
recommendations
& fiscal notes. No objection*

CS FOR HOUSE BILL NO. 489()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

Sponsor(s): HOUSE FINANCE COMMITTEE

*3.14.06
Adopted as
working
draft*

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the treatment of charity events by the Alaska Public Offices
2 Commission and under the law governing legislative ethics; and providing for an
3 effective date."

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

5 * Section 1. AS 24.45.121(a) is amended to read:

6 (a) A lobbyist may not

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

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

11 (3) intentionally deceive or attempt to deceive any public official with
12 regard to any material fact pertinent to pending or proposed legislative or
13 administrative action;

14 (4) cause or influence the introduction of a legislative measure solely

1 for the purpose of thereafter being employed to secure its passage or its defeat;

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

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

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

10 (8) serve as a campaign manager or director, serve as a campaign
11 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
12 fund-raising event, directly or indirectly collect contributions for, or deliver
13 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
14 legislative campaign or campaign for governor or lieutenant governor if the lobbyist
15 has registered, or is required to register, as a lobbyist under this chapter, during the
16 calendar year; this paragraph does not apply to a representational lobbyist as defined
17 in the regulations of the Alaska Public Offices Commission, and does not prohibit a
18 lobbyist from making personal contributions to a candidate as authorized by AS 15.13
19 or personally advocating on behalf of a candidate;

20 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a
21 person covered by AS 24.60, during a legislative session, a gift, other than food or
22 beverage for immediate consumption; **however, this paragraph does not prohibit a**
23 **lobbyist from providing, during a legislative session or at any other time of the**
24 **year, [EXCEPT FOR] tickets to a charity event described in AS 24.60.080(c)(10), or**
25 **a contribution to a charity event under AS 24.60.080(c)(11);**

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

28 * Sec. 2. AS 24.60.030(a) is amended to read:

29 (a) A legislator or legislative employee may not

30 (1) solicit, agree to accept, or accept a benefit other than official
31 compensation for the performance of public duties; this paragraph may not be

1 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
2 solicitation or acceptance of contributions for a charity event, as defined in
3 AS 24.60.080(c)(10), 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;

24 (E) a legislator from using the legislator's private office in the
25 capital city during a legislative session, and for the 10 days immediately before
26 and the 10 days immediately after a legislative session, for nonlegislative
27 purposes if the use does not interfere with the performance of public duties and
28 if there is no cost to the state for the use of the space and equipment, other than
29 utility costs and minimal wear and tear, or the legislator promptly reimburses
30 the state for the cost; an office is considered a legislator's private office under
31 this subparagraph if it is the primary space in the capital city reserved for use

1 by the legislator, whether or not it is shared with others;

2 (F) a legislator from use of legislative employees to prepare
3 and send out seasonal greeting cards;

4 (G) a legislator from using state resources to transport
5 computers or other office equipment owned by the legislator but primarily used
6 for a state function;

7 (H) use by a legislator of photographs of that legislator;

8 (I) reasonable use of the Internet by a legislator or a legislative
9 employee except if the use is for election campaign purposes;

10 (J) a legislator from soliciting, accepting, or receiving a gift or
11 behalf of a recognized, nonpolitical charitable organization in a state facility;
12 or

13 (K) a legislator from sending any communication in the form of
14 a newsletter to the legislator's constituents, except a communication expressly
15 advocating the election or defeat of a candidate or a newsletter or material in a
16 newsletter that is clearly only for the private benefit of a legislator or a
17 legislative employee;

18 **(L) full participation in a charity event approved in**
19 **advance by the Alaska Legislative Council;**

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

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

30 (5) use or authorize the use of state funds, facilities, equipment,
31 services, or another government asset or resource for the purpose of political fund

1 raising or campaigning; this paragraph does not prohibit

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

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

9 (C) telephone or facsimile use that does not carry a special
10 charge;

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

13 (E) a legislator from using the legislator's private office in the
14 capital city during a legislative session, and for the 10 days immediately before
15 and the 10 days immediately after a legislative session, for nonlegislative
16 purposes if the use does not interfere with the performance of public duties and
17 if there is no cost to the state for the use of the space and equipment, other than
18 utility costs and minimal wear and tear, or the legislator promptly reimburses
19 the state for the cost; an office is considered a legislator's private office under
20 this subparagraph if it is the primary space in the capital city reserved for use
21 by the legislator, whether or not it is shared with others; or

22 (F) use by a legislator of photographs of that legislator.

23 * Sec. 3. AS 24.60.080(c) is amended to read:

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

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

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

31 (B) at a social event or meal;

- 1 (2) discounts that are available
- 2 (A) generally to the public or to a large class of persons to
- 3 which the person belongs; or
- 4 (B) when on official state business, but only if receipt of the
- 5 discount benefits the state;
- 6 (3) food or foodstuffs indigenous to the state that are shared generally
- 7 as a cultural or social norm;
- 8 (4) travel and hospitality primarily for the purpose of obtaining
- 9 information on matters of legislative concern;
- 10 (5) gifts from the immediate family of the person;
- 11 (6) gifts that are not connected with the recipient's legislative status;
- 12 (7) a discount for all or part of a legislative session, including time
- 13 immediately preceding or following the session, or other gift to welcome a legislator
- 14 or legislative employee who is employed on the personal staff of a legislator or by a
- 15 standing or special committee to the capital city or in recognition of the beginning of a
- 16 legislative session if the gift or discount is available generally to all legislators and the
- 17 personal staff of legislators and staff of standing and special committees; this
- 18 paragraph does not apply to legislative employees who are employed by the
- 19 Legislative Affairs Agency, the office of the chief clerk, the office of the senate
- 20 secretary, the legislative budget and audit committee, or the office of the ombudsman;
- 21 (8) a gift of legal services in a matter of legislative concern and a gift
- 22 of other services related to the provision of legal services in a matter of legislative
- 23 concern;
- 24 (9) a gift of transportation from a legislator to a legislator if the
- 25 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other
- 26 means of transport owned or under the control of the donor; this paragraph does not
- 27 apply to travel described in (4) of this subsection or travel for political campaign
- 28 purposes; [OR]
- 29 (10) tickets from a lobbyist for a charity event at any time, including
- 30 during a legislative session, except that tickets to or gifts received at a charity event
- 31 under this paragraph are subject to the calendar year limit on the value of gifts

1 received by a legislator or legislative employee in (a) of this section; in this paragraph,
2 "charity event" means an event the proceeds of which go to a charitable organization
3 with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council
4 has approved in advance; the tickets may entitle the bearer to admission to the event,
5 to entertainment, to food or beverages, or to other gifts or services involved in the
6 charity event; or

7 (11) a contribution to a charity event from any person at anytime;
8 in this paragraph, "charity event" has the meaning given in (10) of this
9 subsection.

10 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 489
 () Publish Date: 3/8/2006

Revision Date/Time (Note if correction): _____ Dept. Affected: Administration
 Title: An act relating to the exemption of charity events RDU: AK Public Offices Commission
by the Alaska Public Offices Commission Component: AK Public Offices Commission
 Sponsor: House Finance Committee
 Requester: House Rules Committee Component No: 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill amends the statute to allow legislators and legislative employees to solicit gifts during session as long as the gifts are associated with a fundraising event sponsored by or on behalf of a charity and is approved in advance by the Alaska Legislative Council. It will have no fiscal impact on APOC.

Prepared by: Brooke Miles, Director
 Division: AK Public Offices Commission
 Approved by: Michael Tibbles, Deputy Commissioner
 Agency: Department of Administration

Phone 907-3334-1726
 Date/Time 3/10/2006 8:37 a.m.
 Date 3/10/2006

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB489
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
 Title: "An Act relating to the exemption of
charity events from regulation by the APOC and to the...
 Sponsor: House Finance Committee BRU: Legislative Council
 Requestor: House Rules Committee Component No.: 743
Council and Subcommittees

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director Phone 465-6626
 Division: Legislative Affairs Agency Date/Time: 3/10/06 9:25 AM
 Approved by: Pamela Varni, Executive Director Date: 3/10/2006
 Agency: Legislative Affairs Agency

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3887 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

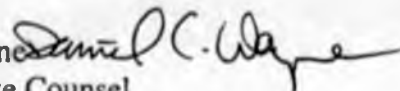
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 11, 2006

SUBJECT: Sectional Summary HB 489(FIN) (Work Order No. 24-LS1753\G)

TO: Representative Mike Chenault
Co-Chair of the House Finance Committee

FROM: Dan Wayne 
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

Section 1 amends the statute prohibiting gifts by lobbyists to allow lobbyists, at any time of the year, to give event tickets or charitable contributions to legislators and others who are subject to the legislative ethics code, if the charity event is approved in advance by the Alaska Legislative Council.

Section 2 allows persons covered by the legislative ethics code to solicit and accept contributions to charity events approved in advance by the Alaska Legislative Council and to participate fully in those events.

Section 3 adds an 11th gift exception in AS 24.60.080(c) to allow persons covered by the legislative ethics code to accept at any time of year a contribution to a charity event approved in advance by the Alaska Legislative Council. As defined in paragraph (11), contributions accepted for the benefit of an approved charity event are not subject to the calendar year limit on the value of gifts received by a legislator or legislative employee.

Section 4 gives the bill an immediate effective date.

DCW:med
06-208.med

Enclosure

Alaska State Legislature

House of Representatives



State Capitol, Rm. 214
Juneau, Ak 99801-1182
(907) 465-3764

Official Business

COMMITTEE ON RULES
Representative Norman Rokeberg, Chairman

3.13.06

Additional info on

hb 489.

Thanks

Rynnieva Moss

From: Tammy Kempton [tammy_kempton@admin.state.ak.us]
Sent: Monday, March 13, 2006 1:29 PM
To: Rynnieva Moss
Subject: Hb 489
Attachments: tammy_kempton.vcf

Joyce Anderson of Leg Ethics recommended that I send you an e-mail on APOC's suggestion regarding HB 489. It is staff's opinion that section 1 of the bill would not allow lobbyists to give donations to the Fahrenkamp Golf Classic, or any other charity event. The current section 1 of HB 489 should be deleted and replaced with:

Section 1. AS 24.45.121(a)(9) is amended to read:

(9) offer, solicit, initiate, facilitate, or provide to or on behalf of a person covered by AS 24.60, during a legislative session, a gift, other than food or beverage for immediate consumption, except for **charitable contributions and** tickets to a charity event described in AS 24.60.080(c)(10);

Thank you for the opportunity to comment on this legislation. If you have any questions, please contact me.

Tammy Kempton
Alaska Public Offices Commission
465-4864

Comments for HB 489
Joyce Anderson, Legislative Ethics Committee
March 13, 2006

Adding language to restrict contributions to 'charitable contributions.'

1. Clarified language on page 2, line 23 and page 6, line 20 to include only 'charitable contributions' as acceptable. The ethics statute presently allows legislators and legislative employees to solicit and receive a gift from anyone, including lobbyists during session, on behalf of a recognized, nonpolitical charitable organization in a state facility. AS 24.60.030(a)(2)(J). Advisory Opinion 94-06 states the gift may be 'Contributions of money or other items on behalf of a charitable organization.' Language in HB 489 would allow legislators and legislative staff to solicit and accept items that are not on behalf of a charitable organization such as items for door prizes, goodie bags or for some other costs associated with the charity event.
2. Advisory Opinion 94-06 pointed out the 'appearance of impropriety is high when legislators and legislative employees request favors from lobbyist, even on behalf of worthwhile organizations' and noted this is especially so during a legislative session. I believe the ethics committee would strongly suggest the legislation continue to restrict contributions to 'charitable contributions.'

Requiring the disclosure of charitable contributions received by legislators for pre-approved 5012(c)(3) charity events.

1. Added a disclosure requirement. Based on Advisory Opinion 94-06 and the strong appearance of impropriety of soliciting and receiving charitable gifts from lobbyists during session, it is recommended all gifts, regardless of value, be disclosed and published in the legislative journal. This disclosure would be similar to the disclosure for gifts of hospitality/travel presently in statute.
2. Public disclosure provides accountability and transparency and at the same time avoids the appearance of impropriety on both the legislative side and that of the lobbyist.

Clarifying language on page 6

Removed the words 'from any person' on page 6, line 20 because the language is not necessary since any person can already contribute to a charitable organization under the ethics law. The intent of this section of the bill, I believe, is to further clarify that lobbyists may give charitable contributions to a charitable organization approved by Legislative Council and the new language on page 6, without the above words, clearly states that fact.

Advisory Opinion 94-06 states: **If your fundraising activities result only in a commercial transaction, the ethics code does not prohibit you from soliciting lobbyists.** As noted above, if you, in place of or in addition to the organization, enter into a close economic association with a lobbyist, you will have an obligation to disclose the association if it involves a substantial financial matter. Therefore, technically, you may solicit a charitable contribution from a lobbyist during a legislative session. The committee notes that the potential for the appearance of impropriety is high when legislators and legislative employees request favors of lobbyists, even on behalf of worthwhile organizations. The committee therefore urges you to use caution in making a decision about whether to approach a lobbyist, especially during a legislative session.

March 9, 2006

Prepared by: Joyce Anderson, Legislative Ethics Committee

Suggested draft language for HB 489.

RE: Disclosure of charitable gifts received by legislators and legislative staff for a charity event approved by Legislative Council pursuant to AS 24.60.080(c)(10). All gifts would be reportable regardless of their value.

AS 24.60.080(d)

A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of \$250 or more shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of \$250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. **A legislator or legislative employee who accepts a gift under (c)(10) of this section shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift.** The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4), ~~and~~ (8) and (10) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4) and (8) of this section that it receives from legislators and legislative directors. **The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(10) of this section that it receives from those covered under AS 24.60.020.** A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall disclose to the committee annually on or before March 15 the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

FROM: Joyce Anderson, Administrator, Legislative Ethics Committee
DATE: March 9, 2006

(NOTE: Suggested changes by Legislative Ethics in bold type, italics and red. Page 2, line 23; page 6, line 20.)

Introduced March 8, 2006

To be heard in House Rules on Tuesday, March 14, 2006 at 11:00 a.m., Room 211

BILL ID: HB 489

00 HOUSE BILL NO. 489

01 "An Act relating to the exemption of charity events from regulation by the Alaska

02 Public Offices Commission and to the treatment of charity events under the law

03 governing legislative ethics; and providing for an effective date."

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

05 * Section 1. AS 24.45.161(a) is amended to read:

06 (a) This chapter does not apply to

07 (1) an individual

08 (A) who lobbies without payment of compensation or other

09 consideration and makes no disbursement or expenditure for or on behalf of a

10 public official to influence legislative or administrative action other than to pay

11 the individual's reasonable personal travel and living expenses; and

12 (B) who limits lobbying activities to appearances before public

13 sessions of the legislature, or its committees or subcommittees, or to public

14 hearings or other public proceedings of state agencies;

Page 1

01 (2) an elected or appointed state or municipal public officer or an

02 employee of the state or a municipality acting in an official capacity or within the

03 scope of employment;

04 (3) any newspaper or other periodical of general circulation, book

05 publisher, radio or television station (including an individual who owns, publishes, or

06 is employed by that newspaper or periodical, radio or television station) that publishes

07 news items, editorials, or other comments, or paid advertisements, that directly or

08 indirectly urge legislative or administrative action if the newspaper, periodical, book

09 publisher, radio or television station, or individual engages in no further or other

10 activities in connection with urging or advocating legislative or administrative action

11 other than to appear before public sessions of the legislature, or its committees or

12 subcommittees, or public hearings or other public proceedings of state agencies;
13 (4) a person who appears before the legislature or either house, or
14 standing, special, or interim committee, in response to an invitation issued under (c) of
15 this section;

16 (5) a fundraising event sponsored by or on behalf of a charity and
17 approved in advance by the Alaska Legislative Council.

18 * Sec. 2. AS 24.60.030(e) is amended to read:

19 (a) A legislator or legislative employee may not

20 (1) solicit, agree to accept, or accept a benefit other than official
21 compensation for the performance of public duties; this paragraph may not be
22 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
23 solicitation or acceptance of charitable contributions for a charity event approved in
24 advance by the Alaska Legislative Council, or the acceptance of a lawful gratuity
25 under AS 24.60.080;

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

30 (A) limited use of state property and resources for personal
31 purposes if the use does not interfere with the performance of public duties and

Page 2

01 either the cost or value related to the use is nominal or the legislator or
02 legislative employee reimburses the state for the cost of the use;

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

06 (C) telephone or facsimile use that does not carry a special
07 charge;

08 (D) the legislative council, notwithstanding AS 24.05.190,
09 from designating a public facility for use by legislators and legislative
10 employees for health or fitness purposes; when the council designates a facility
11 to be used by legislators and legislative employees for health or fitness
12 purposes, it shall adopt guidelines governing access to and use of the facility;
13 the guidelines may establish times in which use of the facility is limited to
14 specific groups;

15 (E) a legislator from using the legislator's private office in the

16 capital city during a legislative session, and for the 10 days immediately before
17 and the 10 days immediately after a legislative session, for nonlegislative
18 purposes if the use does not interfere with the performance of public duties and
19 if there is no cost to the state for the use of the space and equipment, other than
20 utility costs and minimal wear and tear, or the legislator promptly reimburses
21 the state for the cost; an office is considered a legislator's private office under
22 this subparagraph if it is the primary space in the capital city reserved for use
23 by the legislator, whether or not it is shared with others;

24 (F) a legislator from use of legislative employees to prepare
25 and send out seasonal greeting cards;

26 (G) a legislator from using state resources to transport
27 computers or other office equipment owned by the legislator but primarily used
28 for a state function;

29 (H) use by a legislator of photographs of that legislator;

30 (I) reasonable use of the Internet by a legislator or a legislative
31 employee except if the use is for election campaign purposes;

Page 3

01 (J) a legislator from soliciting, accepting, or receiving a gift on
02 behalf of a recognized, nonpolitical charitable organization in a state facility;
03 or

04 (K) a legislator from sending any communication in the form of
05 a newsletter to the legislator's constituents, except a communication expressly
06 advocating the election or defeat of a candidate or a newsletter or material in a
07 newsletter that is clearly only for the private benefit of a legislator or a
08 legislative employee;

09 (L) full participation in a charity event approved in
10 advance by the Alaska Legislative Council;

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

15 (4) require a legislative employee to perform services for the private
16 benefit of the legislator or employee at any time, or allow a legislative employee to
17 perform services for the private benefit of a legislator or employee on government
18 time; it is not a violation of this paragraph if the services were performed in an
19 unusual or infrequent situation and the person's services were reasonably necessary to

20 permit the legislator or legislative employee to perform official duties;
21 (5) use or authorize the use of state funds, facilities, equipment,
22 services, or another government asset or resource for the purpose of political fund
23 raising or campaigning; this paragraph does not prohibit

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

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

31 (C) telephone or facsimile use that does not carry a special

Page 4

01 charge;

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

04 (E) a legislator from using the legislator's private office in the
05 capital city during a legislative session, and for the 10 days immediately before
06 and the 10 days immediately after a legislative session, for nonlegislative
07 purposes if the use does not interfere with the performance of public duties and
08 if there is no cost to the state for the use of the space and equipment, other than
09 utility costs and minimal wear and tear, or the legislator promptly reimburses
10 the state for the cost; an office is considered a legislator's private office under
11 this subparagraph if it is the primary space in the capital city reserved for use
12 by the legislator, whether or not it is shared with others; or

13 (F) use by a legislator of photographs of that legislator.

14 * Sec. 3. AS 24.60.090(c) is amended to read:

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

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

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

22 (B) at a social event or meal;

23 (2) discounts that are available

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

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

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

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

Page 5

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

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

03 (7) a discount for all or part of a legislative session, including time
04 immediately preceding or following the session, or other gift to welcome a legislator
05 or legislative employee who is employed on the personal staff of a legislator or by a
06 standing or special committee to the capital city or in recognition of the beginning of a
07 legislative session if the gift or discount is available generally to all legislators and the
08 personal staff of legislators and staff of standing and special committees; this
09 paragraph does not apply to legislative employees who are employed by the
10 Legislative Affairs Agency, the office of the chief clerk, the office of the senate
11 secretary, the legislative budget and audit committee, or the office of the ombudsman;

12 (8) a gift of legal services in a matter of legislative concern and a gift
13 of other services related to the provision of legal services in a matter of legislative
14 concern;

15 (9) a gift of transportation from a legislator to a legislator if the
16 transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other
17 means of transport owned or under the control of the donor; this paragraph does not
18 apply to travel described in (4) of this subsection or travel for political campaign
19 purposes, or

20 (10) a charitable contribution to a charity event from any person or tickets
21 from a lobbyist for a charity event at any time, including during a legislative session,
22 except that tickets to or gifts received at a charity event under this paragraph, other
23 than contributions to a charity event, are subject to the calendar year limit on the
24 value of gifts received by a legislator or legislative employee in (a) of this section; in
25 this paragraph, "charity event" means an event the proceeds of which go to a
26 charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the
27 Alaska Legislative Council has approved in advance; the tickets may entitle the bearer

28 to admission to the event, to entertainment, to food or beverages, or to other gifts or
29 services involved in the charity event.

30 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

Alaska State Legislature

House of Representatives



Official Business

COMMITTEE ON RULES
Representative Norman Rokeberg, Chairman

State Capitol, Rm. 214
Juneau, Ak 99801-1182
(907) 465-3764

*Please add attached
to HB 489 file.*

Thank you

STATE OF ALASKA

REPRESENTATIVE
MIKE CHENAULT

Interim:
145 Main St. Loop, Second Floor
Kenai, Alaska 99611
(907) 283-7223
Fax: (907) 283-3075



HOUSE OF REPRESENTATIVES

Official Business

Session:
Capitol Building, Room 432
Juneau, Alaska 99801-1182
(907) 465-3779
Toll Free: (800) 469-3779
Fax: (907) 465-2833

March 13, 2006

Bettye Fahrenkamp was a well-loved and colorful legislator. For 17 years the House and Senate Finance Committee Co-Chairs have sponsored a fundraising event in her honor to benefit the Armed Services YMCA and Bartlett Regional Hospital.

Last week, after contacting APOC it was brought to our attention we have been doing it wrong. This bill seeks to make corrections so we can operate within the constraints of the law. I appreciate your support and passage of this bill so we may actively solicit donations. It has put our activity about a week behind so time is crucial.

District
Director

238 S. Dearborn St. Chicago, Illinois 60604

Armed Services YMCA of the USA
1501 Woodfield Road Suite 201 N
Schaumburg, Illinois 60195

Employer Identification Number:
36-3274366
File Folder Number:
360027662
Person to Contact:
Mr. R. Wallace
Contact Telephone Number:
(312) 886-1278
Accounting Period Ending:
December 31st
Form 990 Required:
Yes

Date: 13 JAN 1987

Dear Applicant:

We have considered your application for a group exemption letter recognizing your subordinates as exempt from Federal Income Tax as organizations of the type described in Section 501(c)(3) of the Internal Revenue Code.

Our records show that you were recognized as exempt from Federal Income Tax under Section 501(c)(3) of the Code. The exemption letter remains in effect.

Based on the information supplied, we recognize your named subordinates on the list you submitted as exempt from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code.

Additionally, we have classified the organizations you operate, supervise, or control, and which are covered by your notification to us as organizations that are not private foundations because they are organizations of the type described in Section 509(a)(1) and 170(b)(1)(A)(vi) of the Code.

Donors may deduct contributions to you and your subordinates as provided in Section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal Estate and Gift Tax purposes if they meet the applicable provisions of Sections 2055, 2106 and 2522 of the Code.

INTERNAL REVENUE SERVICE
DISTRICT DIRECTOR
2 CUPANIA CIRCLE
MONTEREY PARK, CA 91755-7406

DEPARTMENT OF THE TREASURY

Date: **AUG 26 1994**

BARTLETT MEMORIAL HOSPITAL
FOUNDATION, INC.
3260 HOSPITAL DR
JUNEAU, AK 99801

Employer Identification Number:
92-0147705
Case Number:
954190010
Contact Person:
MAI QUACH
Contact Telephone Number:
(714) 897-3914
Accounting Period Ending:
June 30
Foundation Status Classification:
170(b)(1)(A)(vi)
Advance Ruling Period Begins:
Sept. 16, 1992
Advance Ruling Period Ends:
June 30, 1997
Addendum Applies:
No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make a final determination of your foundation status.

If we publish a notice in the Internal Revenue Bulletin stating that we

Letter 1045 (DO/CG)