



LAWS OF ALASKA

2008

Source

SCS CSHB 281(FIN)

Chapter No.

AN ACT

Requiring candidates to disclose certain information about all contributors under AS 15.13; relating to the preservation of records required to be kept by candidates, groups, nongroup entities, or persons under AS 15.13; relating to records required to be kept by certain lobbyists and persons who employ, retain, or contract for the services of lobbyists; relating to complaints filed with the Select Committee on Legislative Ethics; relating to administrative complaints filed with the Alaska Public Offices Commission; relating to the statute of limitations for civil actions brought under AS 39.50; extending the statute of limitations for prosecutions of violations of the Alaska Election Code; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

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2 relating to the preservation of records required to be kept by candidates, groups, nongroup
3 entities, or persons under AS 15.13; relating to records required to be kept by certain lobbyists
4 and persons who employ, retain, or contract for the services of lobbyists; relating to
5 complaints filed with the Select Committee on Legislative Ethics; relating to administrative
6 complaints filed with the Alaska Public Offices Commission; relating to the statute of
7 limitations for civil actions brought under AS 39.50; extending the statute of limitations for
8 prosecutions of violations of the Alaska Election Code; and providing for an effective date.

9

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

11 (a) Except as provided in (g) and (l) of this section, each candidate shall make

1 a full report, upon a form prescribed by the commission,

2 (1) listing

3 (A) the date and amount of all expenditures made by the
4 candidate;

5 (B) the total amount of all contributions, including all funds
6 contributed by the candidate;

7 (C) the name, address, date, and amount contributed by each
8 contributor; and

9 (D) for contributions in excess of \$50 [\$250] in the aggregate
10 during a calendar year, the principal occupation and employer of the
11 contributor; and

12 (2) filed in accordance with AS 15.13.110 and certified correct by the
13 candidate or campaign treasurer.

14 * **Sec. 2.** AS 15.13 is amended by adding a new section to read:

15 **Sec. 15.13.111. Preservation of records.** (a) Each candidate, group, nongroup
16 entity, or person required to report under this chapter shall preserve all records
17 necessary to substantiate information required to be reported under this chapter for a
18 period of six years from the date of the election for which the information was
19 required to be reported, unless the records have been submitted to the commission
20 under (c) of this section.

21 (b) Information preserved under (a) of this section must be made available for
22 inspection by the commission.

23 (c) A candidate for state elected office who was not elected or a person who
24 has left state elected office may submit the records required to be preserved under (a)
25 of this section to the commission electronically. Records submitted under this
26 subsection shall be preserved by the commission for a period of six years from the
27 date of the election for which the information was required to be reported.

28 * **Sec. 3.** AS 15.13.380(b) is amended to read:

29 (b) A [MEMBER OF THE COMMISSION, THE COMMISSION'S
30 EXECUTIVE DIRECTOR, OR A] person who believes a violation of this chapter or a
31 regulation adopted under this chapter has occurred or is occurring may file an

1 administrative complaint with the commission within **five years** [ONE YEAR] after
2 the date of the alleged violation. If a member of the commission has filed the
3 complaint, that member may not participate as a commissioner in any proceeding of
4 the commission with respect to the complaint. The commission may consider a
5 complaint on an expedited basis or a regular basis.

6 * **Sec. 4.** AS 24.45.111(a) is amended to read:

7 (a) A person required to register or report as a lobbyist **or as a person who**
8 **employs, retains, or contracts for the services of a lobbyist** shall preserve all
9 accounts, bills, receipts, books, papers, and documents necessary to substantiate the
10 reports required to be made and filed under this chapter for a period of at least **six**
11 **years** [ONE YEAR] from the date of the filing of the report containing these items.
12 These accounts, bills, receipts, books, papers, and other documents shall be made
13 available for inspection by the commission, or members of its staff, at any time. If a
14 lobbyist is required under the terms of the lobbyist's employment contract to turn any
15 records over to the employer, responsibility for the preservation of these records under
16 this section rests with the employer.

17 * **Sec. 5.** AS 24.45.131(a) is amended to read:

18 (a) The commission or its staff shall examine each statement or report filed
19 under this chapter within 10 days after the date it is filed. A person required to file a
20 statement or report under this chapter shall be notified immediately if

21 (1) it appears that the person has failed to file a statement or report as
22 required by law or that the statement or report filed does not conform to the
23 requirements of this chapter; or

24 (2) a written complaint is filed with the commission by any **person**
25 [QUALIFIED VOTER] alleging that a statement or report filed with the commission
26 does not conform to the requirements of this chapter, or to the truth, or that a person
27 subject to the provisions of this chapter has failed to file a statement or report in the
28 manner prescribed by this chapter.

29 * **Sec. 6.** AS 24.45.131 is amended by adding a new subsection to read:

30 (d) If a member of the commission files a complaint, that member of the
31 commission may not participate in any proceeding of the commission relating to the

1 complaint.

2 * **Sec. 7.** AS 24.45 is amended by adding a new section to read:

3 **Sec. 24.45.135. Administrative complaints.** (a) A person may file a written
4 complaint alleging that a violation of AS 24.45.121 - 24.45.171 has occurred or is
5 occurring.

6 (b) Complaints filed under (a) of this section must be filed within five years
7 after the date of the alleged violation.

8 * **Sec. 8.** AS 24.60.170(a) is amended to read:

9 (a) The committee shall consider a complaint alleging a violation of this
10 chapter if the alleged violation occurred within **five** [TWO] years before the date that
11 the complaint is filed with the committee [AND, WHEN THE SUBJECT OF THE
12 COMPLAINT IS A FORMER MEMBER OF THE LEGISLATURE, THE
13 COMPLAINT IS FILED WITHIN ONE YEAR AFTER THE SUBJECT'S
14 DEPARTURE FROM THE LEGISLATURE]. The committee may not consider a
15 complaint filed against all members of the legislature, against all members of one
16 house of the legislature, or against a person employed by the legislative branch of
17 government after the person has terminated legislative service. However, the
18 committee may reinstitute proceedings concerning a complaint that was closed
19 because a former employee terminated legislative service [OR BECAUSE A
20 LEGISLATOR LEFT THE LEGISLATURE] if the former employee [OR
21 LEGISLATOR] resumes legislative service, whether as an employee or a legislator,
22 within **five** [TWO] years after the alleged violation. [THE TIME LIMITATIONS OF
23 THIS SUBSECTION DO NOT BAR PROCEEDINGS AGAINST A PERSON WHO
24 INTENTIONALLY PREVENTS DISCOVERY OF A VIOLATION OF THIS
25 CHAPTER.]

26 * **Sec. 9.** AS 24.60 is amended by adding a new section to read:

27 **Sec. 24.60.255. Administrative complaints.** (a) A person may file a written
28 complaint alleging a violation of AS 24.60.200 - 24.60.260 has occurred or is
29 occurring.

30 (b) Complaints filed under (a) of this section must be filed within five years
31 after the date of the alleged violation.

1 (c) If a member of the Alaska Public Offices Commission files a complaint,
2 that member of the commission may not participate in any proceeding of the
3 commission relating to the complaint.

4 * **Sec. 10.** AS 39.50 is amended by adding a new section to read:

5 **Sec. 39.50.055. Administrative complaints.** (a) A person may file a written
6 complaint alleging a violation of this chapter has occurred or is occurring.

7 (b) Complaints filed under (a) of this section must be filed within five years
8 after the date of the alleged violation.

9 (c) If a member of the Alaska Public Offices Commission files a complaint,
10 that member of the commission may not participate in any proceeding of the
11 commission relating to the complaint.

12 * **Sec. 11.** AS 39.50.100 is amended by adding a new subsection to read:

13 (b) An action brought under (a) of this section must be brought within five
14 years after the date of the alleged violation.

15 * **Sec. 12.** AS 15.56.130 is repealed.

16 * **Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section to
17 read:

18 **APPLICABILITY.** (a) AS 15.13.111, added by sec. 2 of this Act, applies to records
19 for elections on or after the effective date of sec. 2 of this Act.

20 (b) AS 15.13.380(b), as amended by sec. 3 of this Act, applies to administrative
21 complaints alleging violations of AS 15.13 or the regulations adopted under that chapter that
22 occurred

23 (1) within one year before the effective date of sec. 3 of this Act; or

24 (2) on or after the effective date of sec. 3 of this Act.

25 (c) AS 24.45.111(a), as amended by sec. 4 of this Act, applies to reports required to
26 be made and filed on or after the effective date of sec. 4 of this Act.

27 (d) AS 24.45.135, added by sec. 7 of this Act, applies to complaints alleging
28 violations of AS 24.45.121 - 24.45.171 that occur on or after the effective date of sec. 7 of this
29 Act.

30 (e) AS 24.60.170(a), as amended by sec. 8 of this Act, applies to complaints alleging
31 violations of AS 24.60 that occurred

- 1 (1) within two years before the effective date of sec. 8 of this Act; or
- 2 (2) on or after the effective date of sec. 8 of this Act.

3 (f) AS 24.60.255, added by sec. 9 of this Act, applies to complaints alleging
4 violations of AS 24.60.200 - 24.60.260 that occur on or after the effective date of sec. 9 of this
5 Act.

6 (g) AS 39.50.055, added by sec. 10 of this Act, applies to complaints alleging a
7 violation of AS 39.50 on or after the effective date of sec. 10 of this Act.

8 (h) AS 39.50.100(b), added by sec. 11 of this Act, applies to actions alleging
9 violations of AS 39.50 that occur on or after the effective date of sec. 11 of this Act.

10 (i) The change in the time limitation for prosecutions for offenses described in
11 AS 15.05 - AS 15.60 (Alaska Election Code) made by sec. 12 of this Act applies to

12 (1) offenses committed in connection with an election occurring within one
13 year before the effective date of sec. 12 of this Act; or

14 (2) offenses committed on or after the effective date of sec. 12 of this Act.

15 * **Sec. 14.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 TRANSITION: REGULATIONS. The Alaska Public Offices Commission may
18 immediately adopt regulations as are necessary to implement the changes made by secs. 2 - 13
19 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but
20 not before January 1, 2009.

21 * **Sec. 15.** Section 14 of this Act takes effect immediately under AS 01.10.070(c).

22 * **Sec. 16.** Except as provided in sec. 15 of this Act, this Act takes effect January 1, 2009.