

HOUSE BILL NO. 2

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES RAUSCHER, Sullivan-Leonard

Introduced: 1/7/19

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the relocating and convening of the legislature at the Legislative**
2 **Information Office in Anchorage; relating to the regulation of lobbying; relating to**
3 **annual student guests of the legislature; relating to locations of sessions of the**
4 **legislature; relating to the Legislative Ethics Act; relating to the relocation of functions**
5 **of state government; and providing for an effective date."**

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

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

8 (d) While the legislature is convened in a regular or special legislative session,
9 a legislator or legislative employee may not solicit or accept a contribution to be used
10 for the purpose of influencing the outcome of an election under this chapter unless
11 (1) it is an election in which the legislator or legislative employee is a
12 candidate and the contribution is for that legislator's or legislative employee's
13 campaign;

(2) the solicitation or acceptance occurs during the 90 days immediately preceding that election; and

(3) the solicitation or acceptance occurs in a place other than the **Municipality of Anchorage during a regular session** [CAPITAL CITY] or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the **Municipality of Anchorage** [CAPITAL CITY].

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

(g) A candidate or an individual who has filed with the commission the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 for election or reelection to the office of governor or lieutenant governor may not solicit or accept a contribution in the **Municipality of Anchorage** [CAPITAL CITY] while the legislature is convened in a regular or special legislative session.

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

Sec. 24.05.090. Duration of legislature; sessions. The legislature shall convene in the Municipality of Anchorage at the Legislative Information Office [CAPITAL] each year on the third Tuesday in January at 1:00 p.m. Each legislature has a duration of two years and consists of a "First Regular Session" that meets in the odd-numbered years, and a "Second Regular Session" that meets in the even-numbered years, and any special session that the governor or legislature calls.

* **Sec. 4.** AS 24.05.100(b) is amended to read:

(b) A special session may be held at any location in the state. If a special session called under (a)(1) of this section is to be convened at a location other than the Legislative Information Office in the Municipality of Anchorage [AT THE CAPITAL], the governor shall designate the location in the proclamation. If a special session called under (a)(2) of this section is to be convened at a location other than the Legislative Information Office in the Municipality of Anchorage [AT THE CAPITAL], the presiding officers shall agree to and designate the location in the poll conducted of the members of both houses

* Sec. 5, AS 24.10.030 is amended to read:

Sec. 24.10.030. Chief clerk and senate secretary. Each house shall select

1 from outside its membership a person of known stenographic and administrative
 2 ability to serve as chief administrative clerk; a chief clerk in the house of
 3 representatives and a secretary in the senate. When nominated and elected in
 4 conformity with the uniform rules, they continue to serve for the duration of the
 5 legislature at the pleasure of the house to which assigned. Pending the organization of
 6 a new legislature, they may continue to serve at the request and direction of the
 7 legislative council until their respective houses formally reappoint or replace them.
 8 The chief clerk and senate secretary are responsible for the performance of duties
 9 provided for by law, the uniform rules, and orders of the house. They may be
 10 requested to report to the legislative council for duty for a period not to exceed two
 11 weeks immediately preceding the convening of the session and shall remain at the
 12 location of the session [CAPITAL] until the completion of their work relating to
 13 that session [IS DETERMINED BY THE DIRECTOR OF THE COUNCIL].

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

15 (a) A member of the legislature may be entitled to reimbursement for the
 16 expenses of moving between the member's place of residence and the Municipality of
 17 Anchorage [CAPITAL CITY] for the purpose of attending a regular session of the
 18 legislature.

19 * **Sec. 7.** AS 24.45.041(b) is amended to read:

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

21 (1) the lobbyist's full name and complete permanent residence and
 22 business address and telephone number, as well as any temporary residential and
 23 business address and telephone number in the location of the session [STATE
 24 CAPITAL] during a legislative session;

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

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

31 (4) the nature or form of the lobbyist's compensation for engaging in

1 lobbying, including salary, fees, or reimbursement for expenses received in
 2 consideration for, or directly in support of or in connection with, the influencing of
 3 legislative or administrative action;

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

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

10 (7) the identification of a legislative employee or public official to
 11 whom the lobbyist is married or who is the domestic partner of the lobbyist;

12 (8) a sworn affirmation by the lobbyist that the lobbyist has completed
 13 the training course administered by the commission under AS 24.45.031(a) within the
 14 12-month period preceding the date of registration or registration renewal under this
 15 chapter, except that this paragraph does not apply to a person who is a representational
 16 lobbyist as defined under regulations of the commission;

17 (9) a sworn affirmation by the lobbyist that the lobbyist has not been
 18 previously convicted of a felony involving moral turpitude; in this paragraph, "felony
 19 involving moral turpitude" has the meaning given in AS 15.80.010, and includes
 20 convictions for a violation of the law of this state or a violation of the law of another
 21 jurisdiction with elements similar to a felony involving moral turpitude in this state.

22 * **Sec. 8.** AS 24.45.041(e) is amended to read:

23 (e) Within 15 days after the convening of each regular session of the
 24 legislature, the commission shall publish a directory of registered lobbyists, containing
 25 the information prescribed in (b) of this section for each lobbyist and the photograph,
 26 if any, furnished by a lobbyist under (c) of this section. From time to time thereafter,
 27 the commission shall publish those supplements to the directory that in the
 28 commission's judgment may be necessary. The directory shall be made available to
 29 public officials and to the public at the following locations: a public place adjacent to
 30 the legislative chambers in the **Legislative Information Office in the Municipality**
 31 **of Anchorage** [STATE CAPITOL BUILDING], the office of the lieutenant governor,

1 the legislative reference library of the Legislative Affairs Agency, and the
2 commission's central office.

3 * **Sec. 9.** AS 24.50.010 is amended to read:

4 **Sec. 24.50.010. Annual student guests.** The legislature may each year while
5 in session serve as host to one member of each high school in the state for a stay of
6 one week in the **Municipality of Anchorage** [CAPITAL] to observe and learn the
7 legislative process.

8 * **Sec. 10.** AS 24.50.040 is amended to read:

9 **Sec. 24.50.040. Essay contest.** Before leaving the **location of the session**
10 [STATE CAPITAL], each legislative guest **hosted under AS 24.50.010** shall prepare
11 and submit to the director of the Legislative Affairs Agency a paper of not less than
12 1,000 words entitled "The Legislature Should". Each paper shall be
13 examined and judged as to content by the governor, the president of the senate, the
14 speaker of the house of representatives, the minority leader of the senate, and the
15 minority leader of the house. The author of the paper determined best by majority vote
16 shall receive a one-year scholarship to the University of Alaska.

17 * **Sec. 11.** AS 24.60.030(a) is amended to read:

18 (a) A legislator or legislative employee may not

19 (1) solicit, agree to accept, or accept a benefit other than official
20 compensation for the performance of public duties; this paragraph may not be
21 construed to prohibit lawful solicitation for and acceptance of campaign contributions,
22 solicitation or acceptance of contributions for a charity event, as defined in
23 AS 24.60.080(a)(2)(B), or the acceptance of a gift under AS 24.60.075 or 24.60.080;

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

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

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

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

(D) a legislator from using the legislator's private office [IN THE CAPITAL CITY] during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the location of the session [CAPITAL CITY] reserved for use by the legislator, whether or not it is shared with others;

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

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

(G) use by a legislator of photographs of that legislator;

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

(I) a legislator or legislative employee from soliciting, accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable organization in a state facility;

(J) a legislator from sending any communication in the form of

1 a newsletter to the legislator's constituents, except a communication expressly
2 advocating the election or defeat of a candidate or a newsletter or material in a
3 newsletter that is clearly only for the private benefit of a legislator or a
4 legislative employee; or

5 (K) full participation in a charity event approved in advance by
6 the Alaska Legislative Council;

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

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

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

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

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

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

29 (D) a legislator from using the legislator's private office [IN
30 THE CAPITAL CITY] during a legislative session, and for the 10 days
31 immediately before and the 10 days immediately after a legislative session, for

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

(E) use by a legislator of photographs of that legislator.

* **Sec. 12.** AS 24.60.031(a) is amended to read:

(a) A legislative employee may not

(1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution for a campaign for state or municipal office; however, a legislative employee may, except in the **Municipality of Anchorage** [CAPITAL CITY] or in the municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the **Municipality of Anchorage** [CAPITAL CITY], solicit or accept a contribution, promise, or pledge for a campaign for state or municipal office that occurs during the 90 days immediately preceding the election for that office; or

(2) accept money from an event held on a day when either house of the legislature is in regular or special session if a substantial purpose of the event is to raise money on behalf of the legislative employee for political purposes; however, this paragraph does not prohibit a legislative employee from accepting money from an event held in a place other than the **Municipality of Anchorage** [CAPITAL CITY] or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the **Municipality of Anchorage** [CAPITAL CITY] during the 90 days immediately preceding an election for state or municipal public office in which the legislative employee is a candidate.

* **Sec. 13.** AS 24.60.031(b) is amended to read:

(b) A legislator may not

(1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution

(A) for the legislator's own campaign for state or municipal public office, unless the solicitation, acceptance, promise, or pledge occurs in a place other than the **Municipality of Anchorage** [CAPITAL CITY] or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the **Municipality of Anchorage** [CAPITAL CITY] during the 90 days immediately preceding the election in which the legislator is a candidate;

(B) for another candidate in an election for municipal, state, or federal office;

(C) to influence a state ballot proposition or question; or

(D) for a political party;

(2) accept money from an event held on a day when either house of the legislature is in regular or special session if a substantial purpose of the event is to raise money on behalf of the legislator's campaign for state or municipal public office; however, this paragraph does not prohibit a legislator from accepting money from an event held in a place other than the **Municipality of Anchorage** [CAPITAL CITY] or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the **Municipality of Anchorage** [CAPITAL CITY] during the 90 days immediately preceding a state or municipal election in which the legislator is a candidate; or

(3) in a campaign for state or municipal office, expend money that was raised on a day when either house of the legislature was in a legislative session by or on behalf of a legislator under a declaration of candidacy or a general letter of intent to become a candidate for public office; however, this paragraph does not apply to money raised in a place other than the **Municipality of Anchorage** [CAPITAL CITY] or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the **Municipality of Anchorage** [CAPITAL CITY] during the 90 days immediately preceding an election in which the legislator is a candidate.

* **Sec. 14.** AS 24.60.080(c) is amended to read:

(c) Notwithstanding (a)(1) of this section, it is not a violation of this section

for a person who is a legislator or legislative employee to accept
(1) hospitality, other than hospitality described in (4) of this subsection,

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

(B) at a social event or meal;

(2) discounts that are available

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

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

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

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

(5) gifts from the immediate family of the person; in this paragraph, "immediate family" means

(A) the spouse of the person;

(B) the person's domestic partner;

(C) a child, including a stepchild and an adopted child, of the person's domestic partner;

(D) a parent, sibling, grandparent, aunt, or uncle of the person;

(E) a parent, sibling, grandparent, aunt, or uncle of the person's person's domestic partner; and

(F) a stepparent, stepsister, stepbrother, step-grandparent, step-aunt, or step-uncle of the person, the person's spouse, or the person's domestic partner;

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

(7) a discount for all or part of a legislative session, including time immediately preceding or following the session, or other gift to welcome a legislator

1 or legislative employee who is employed on the personal staff of a legislator or by a
2 standing or special committee to the location of the session [CAPITAL CITY] or in
3 recognition of the beginning of a legislative session if the gift or discount is available
4 generally to all legislators and the personal staff of legislators and staff of standing and
5 special committees; this paragraph does not apply to legislative employees who are
6 employed by the Legislative Affairs Agency, the office of the chief clerk, the office of
7 the senate secretary, the legislative budget and audit committee, the office of victims'
8 rights, or the office of the ombudsman;

9 (8) a gift of legal services in a matter of legislative concern and a gift
10 of other services related to the provision of legal services in a matter of legislative
11 concern;

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

17 (10) a contribution to a charity event, a ticket to a charity event, or a
18 gift in connection with a charity event; in this paragraph, "charity event" has the
19 meaning given in (a)(2)(B) of this section.

20 * **Sec. 15.** AS 44.99.007 is amended to read:

21 **Sec. 44.99.007. Emergency transfer of seat of government.** When, due to an
22 emergency resulting from the effects of enemy attack or an imminent enemy attack, it
23 becomes imprudent, inexpedient, or impossible to conduct the affairs of state
24 government at the normal location of the state capital or to hold a legislative session
25 at the Legislative Information Office in the Municipality of Anchorage, the
26 governor shall, as often as the exigencies of the situation require, declare by
27 proclamation an emergency temporary location or locations for the seat of government
28 or for the session at a place or places, inside or outside the state, that would not
29 normally be considered military target sites and that the governor may consider
30 advisable under the circumstances. The governor shall take [SUCH] action and issue
31 [SUCH] orders as may be necessary for an orderly transition to the emergency

1 temporary location or locations. The temporary location or locations shall remain the
2 emergency seat of government **or location of the legislative session** until the
3 emergency is declared to be ended by the governor and the seat of government **or**
4 **session** is returned to its normal location.

5 * **Sec. 16.** AS 44.06.050, 44.06.055, and 44.06.060 are repealed.

6 * **Sec. 17.** This Act takes effect January 1, 2021.