

HOUSE BILL NO. 5

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE RAUSCHER

Introduced: 1/9/23

Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

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

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

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

7 (d) While the legislature is convened in a regular or special legislative session,
8 a legislator or legislative employee may not solicit or accept a contribution to be used
9 for the purpose of influencing the outcome of an election under this chapter unless

10 (1) it is an election in which the legislator or legislative employee is a
11 candidate and the contribution is for that legislator's or legislative employee's
12 campaign;

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

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

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

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

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

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

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

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

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

28 **Sec. 24.10.030. Chief clerk and senate secretary.** Each house shall select
 29 from outside its membership a person of known stenographic and administrative
 30 ability to serve as chief administrative clerk; a chief clerk in the house of
 31 representatives and a secretary in the senate. When nominated and elected in

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

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

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

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

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

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

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

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

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

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

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

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

9 (8) a sworn affirmation by the lobbyist that the lobbyist has completed
10 the training course administered by the commission under AS 24.45.031(a) within the
11 12-month period preceding the date of registration or registration renewal under this
12 chapter, except that this paragraph does not apply to a person who is a representational
13 lobbyist as defined under regulations of the commission;

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

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

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

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

31 **Sec. 24.50.010. Annual student guests.** The legislature may each year while

1 in session serve as host to one member of each high school in the state for a stay of
2 one week in the Municipality of Anchorage [CAPITAL] to observe and learn the
3 legislative process.

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

5 **Sec. 24.50.040. Essay contest.** Before leaving the location of the session
6 [STATE CAPITAL], each legislative guest hosted under AS 24.50.010 shall prepare
7 and submit to the director of the Legislative Affairs Agency a paper of not less than
8 1,000 words entitled "The Legislature Should". Each paper shall be
9 examined and judged as to content by the governor, the president of the senate, the
10 speaker of the house of representatives, the minority leader of the senate, and the
11 minority leader of the house. The author of the paper determined best by majority vote
12 shall receive a one-year scholarship to the University of Alaska.

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

14 (a) A legislator or legislative employee may not

15 (1) solicit, agree to accept, or accept a benefit other than official
16 compensation for the performance of public duties; this paragraph may not be
17 construed to prohibit

18 (A) lawful solicitation for and acceptance of campaign
19 contributions;

20 (B) solicitation or acceptance of contributions for a charity
21 event, as defined in AS 24.60.080(a)(2)(B);

22 (C) the acceptance of a gift under AS 24.60.075 or 24.60.080;
23 or

24 (D) a legislator from accepting reasonable, ordinary, and
25 customary travel and hospitality primarily for the purpose of solemnizing a
26 marriage under AS 25.05.261(a)(4);

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

31 (A) limited use of state property and resources for personal

1 purposes if the use does not interfere with the performance of public duties and
2 either the cost or value related to the use is nominal or the legislator or
3 legislative employee reimburses the state for the cost of the use;

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

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

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

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

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

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

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

31 (I) a legislator or legislative employee from soliciting,

1 accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable
2 organization in a state facility;

3 (J) a legislator from sending any communication in the form of
4 a newsletter to the legislator's constituents, except a communication expressly
5 advocating the election or defeat of a candidate or a newsletter or material in a
6 newsletter that is clearly only for the private benefit of a legislator or a
7 legislative employee; or

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

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

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

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

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

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

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

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

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

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

13 (a) A legislative employee may not

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

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

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

1 (b) A legislator may not

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

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

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

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

14 (D) for a political party;

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

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

1 legislator is a candidate.

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

3 (c) Notwithstanding (a)(1) of this section, it is not a violation of this section
4 for a person who is a legislator or legislative employee to accept

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

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

10 (B) at a social event or meal;

11 (2) discounts that are available

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

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

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

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

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

22 (A) the spouse of the person;

23 (B) the person's domestic partner;

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

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

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

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

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

2 (7) a discount for all or part of a legislative session, including time
3 immediately preceding or following the session, or other gift to welcome a legislator
4 or legislative employee who is employed on the personal staff of a legislator or by a
5 standing or special committee to the location of the session [CAPITAL CITY] or in
6 recognition of the beginning of a legislative session if the gift or discount is available
7 generally to all legislators and the personal staff of legislators and staff of standing and
8 special committees; this paragraph does not apply to legislative employees who are
9 employed by the Legislative Affairs Agency, the office of the chief clerk, the office of
10 the senate secretary, the legislative budget and audit committee, the office of victims'
11 rights, 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 or a legislative employee to
16 a legislator or a legislative employee if the transportation takes place in the state on or
17 in an aircraft, boat, motor vehicle, or other means of transport owned or under the
18 control of the donor; this paragraph does not apply to travel described in (4) of this
19 subsection or travel for political campaign purposes; or

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

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

24 **Sec. 44.99.007. Emergency transfer of seat of government.** When, due to an
25 emergency resulting from the effects of enemy attack or an imminent enemy attack, it
26 becomes imprudent, inexpedient, or impossible to conduct the affairs of state
27 government at the normal location of the state capital or to hold a legislative session
28 in the Municipality of Anchorage, the governor shall, as often as the exigencies of
29 the situation require, declare by proclamation an emergency temporary location or
30 locations for the seat of government or for the session at a place or places, inside or
31 outside the state, that would not normally be considered military target sites and that

1 the governor may consider advisable under the circumstances. The governor shall take
2 [SUCH] action and issue [SUCH] orders as may be necessary for an orderly transition
3 to the emergency temporary location or locations. The temporary location or locations
4 shall remain the emergency seat of government **or location of the legislative session**
5 until the emergency is declared to be ended by the governor and the seat of
6 government **or session** is returned to its normal location.

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

8 * **Sec. 17.** This Act takes effect January 1, 2025.