

REVISED NOTICE OF PROPOSED CHANGES IN REGULATIONS OF  
ALASKA PUBLIC OFFICES COMMISSION

The Alaska Public Offices Commission proposes to adopt regulation changes in Title 2, chapter 50 of the Alaska Administrative Code, dealing with campaign disclosure, regulation of lobbying, legislative and public official financial disclosure, and Alaska Public Offices Commission procedures. The proposed regulations incorporate recent statutory changes and APOC policies, simplify the organization and language of the regulations, and otherwise conform the regulations to current requirements of the Alaska Department of Law Drafting Manual for Administrative Regulations. The proposed revisions combine regulations governing financial disclosure of public officials and candidates with regulations covering reporting by legislative filers, collect all procedural provisions in a new article at 2 AAC 50.801 – 2 AAC 50.899, and place most definitions in a general provisions section in 2 AAC 50.920. More specifically, the proposed regulations are revised as follows: Additional revisions applicable to public officials and candidates are revised as summarized under New Article 3, below. Procedural provisions in existing Article 1 are moved to New Article 4. Procedures of the APOC and definitions are relocated to 2 AAC 50.920 in the revised general provisions article.

**Substantially amended: some sections repealed and readopted, others repealed and relocated. Campaign disclosure.** 2 AAC 250- 2 AAC 405. Organization and language of many sections in this article are revised to be consistent with current statutes and APOC policies, and to combine related provisions, or otherwise make the regulations easier to understand. Substantive changes proposed include:

.250. The definition of “contribution” is moved to 2 AAC 50.920, and replaced in this section by instructions for valuing various non-monetary contributions.

.254. The revision clarifies what personal assets a candidate may use for a campaign.

.258. The revision clarifies rules to ensure contributions are made in the name of the true source of the funds, and prohibits contributions from non-resident groups.

.266(b). This subsection is repealed and relocated to 2 AAC 50.258(b).

.270. This section is revised to conform to new legislation, and to set out all requirements that apply to independent expenditures, including the requirements to register, to establish a political activities account, and to report the information required by statute and additional listed information.

New section .272 interprets and implements AS 15.13.069, which allows certain charitable gaming activities.

.286. The revision clarifies the requirements for a candidate who is exempt because contributions and expenditures will not exceed \$5,000.

.290. All provisions related to groups are collected in this section; 2 AAC 50.278 and 2 AAC 50.294 are therefore repealed.

.292. The definition of “nongroup entity” is moved to 2 AAC 50.920. The appeal procedure in the new procedural article is made applicable to a staff decision on nongroup entity registration.

.306. Subsection (d) adds new identification provisions for electronic communications, including social media, and a detailed definition of “communication.”

.310. This section is repealed. Time and manner of filing are covered in 2AAC 50.811 and 2 AAC50.816 in the new procedural article.

.317. This section is repealed and incorporated in 2 AAC 50.321.

.321. Reporting requirements from 2 AAC 50.317 and 2 AAC 50.332 are combined with existing provisions of this section.

.332. This section is repealed and incorporated in 2 AAC 50.321(f).

.336. This section is repealed and the reporting requirements currently contained here are incorporated in 2 AAC 50.270, 2 AAC 50.352, and 2 AAC 50.570(d).

.352. This section sets out regulatory requirements related to ballot questions, including requirements that apply to the period beginning when an initiative proposal application is submitted to the

lieutenant governor.

.356. This section combines provisions formerly in 2 AAC 50.360 and clarifies applicable requirements.

.379. This section is repealed and relocated to the definitions section in 2 AAC 50.405(3.)

.384. Provisions formerly in .389 and .394 are combined in one section dealing with obligations at the end of a campaign.

.389 and .394. These sections are repealed and the subject matter is addressed in 2 AAC 50.384.

.396. This new section sets out rules for public office expense term accounts.

.405. Definitions unique to this article are set out here; others are moved to 2 AAC 50.920.

**Repealed. Existing Article 3. Complaints and Hearings** (2 AAC 50.450 – 2 AAC 50.476).

The proposed regulations changes include repeal of all sections in this existing article. The topics addressed in this article are addressed in a comprehensive new procedural article at 2 AAC 50.801- 2 AAC 50.885, summarized below as New Article 4.

**New Article 2. Regulation of lobbying.** 2 AAC 50.550-2 AAC 50.590. The proposed regulations changes include repeal of all existing sections in this article, and reorganization of the substance, as revised to comply with new statutory requirements, in new sections 2 AAC 50.550- 2 AAC 50.590. The new provisions are organized to combine and clarify all requirements related to the major activities required of lobbyists, registration and reporting. Registration requirements for lobbyists and employers of lobbyists in 2 AAC 50.550 and 2 AAC 50.555 are updated to more accurately describe the current electronic filing process. Reporting requirements for lobbyists and employers of lobbyists, respectively, as revised, are collected in 2 AAC 50.570 and 2 AAC 50.575. Other provisions at 2 AAC 50.560 and 2 AAC 50.565 implement the statutory training requirement, and set out termination or disqualification provisions. In 2 AAC 50.580, definitions currently in 2 AAC 50.545 are revised into a clear statement interpreting the prohibition on lobbyist activity related to a campaign in AS 24.45.121(a)(8). New 2 AAC 50.585 adopts by reference the Code of Ethics of the American League of Lobbyists. Definitions of terms used only in this article are set out in 2 AAC 50.590, and other relevant definitions are relocated to the general provisions at 2 AAC 50.920.

**Repealed and relocated. Public official financial disclosure.** 2 AAC 50.010 – 2 AAC 50.200. The proposed changes to regulations include repeal of all sections in this existing article. In place of this article, financial disclosure provisions for public officials and candidates are combined with the financial disclosure provisions for legislators in New Article 3.

**New Article 3. Legislative and public official financial disclosure.** 2 AAC 50.680 – 2 AAC 50.775 now govern financial disclosure for public official and candidates as well as legislative filers, making filing requirements specific through several new and revised sections. 2 AAC 50.680 sets out the applicability and family member reporting requirement for legislative filers and public officials and candidates. 2 AAC 50.685 identifies specific income and gift information required to be reported, and provides for reporting in ranges rather than specific dollar amounts. 2 AAC 50.690 defines what constitutes a good faith effort to obtain information. 2 AAC 50.695 requires reporting of deferred income, and 2 AAC 50.700 specifies the reporting requirements for income from self-employment and from businesses in which the filer has an ownership interest. 2 AAC 50.704 provides for reporting of contingency fee income. 2 AAC 50.708 requires reporting of interests in businesses, including nonprofit businesses and investments owned in the reporting period. Reporting requirements for trusts and beneficial interests are set out in 2 AAC 50.712, and for real property interests in 2 AAC 50.720. 2 AAC 50.725 sets out the reporting requirements for rental property. 2 AAC 50.740 covers reporting requirements for loans, loan guarantees, and indebtedness of legislative filers, public officials and candidates. 2 AAC 50.775 defines the circumstances in which a legislative filer, public official or candidate may obtain an exemption from reporting the name of a source of income or other information

required by statute or regulation. In this article, the following section are repealed:

2 AAC 50.705, regarding reporting of sources of income for retail businesses, is repealed.

2 AAC 50.730 is repealed. The substance is relocated to 2 AAC 50.680.

2 AAC 50.735 is repealed. The substance is relocated to 2 AAC 50.708.

2 AAC 50.745 is repealed. The substance is relocated to 2 AAC 50.740.

2 AAC 50.765 and 2 AAC 50.770 are repealed and the subject matter of these regulations is relocated to 2 AAC 50.700.

**New Article 4. Alaska Public Offices Commission procedures.** 2 AAC 50.801 – 2 AAC 50.895 contain all procedural provisions formerly in other articles, and additional provisions intended to inform the public how the commission will conduct its business in compliance with due process. Among other provisions, this section now contains procedures for filing required registrations, statements, and reports with the APOC; for commission review of staff recommendations and final decisions; for assessing penalties, including consideration of mitigating factors, for complaints, investigations, expedited consideration, and hearings.

**New Article 5. General Provisions.** Definitions that apply generally to chapter 2 AAC 50 are placed in 2 AAC 50.920. Definitions that are unique to a particular section or article in this chapter are located at the end of the relevant section or article.

#### **Comments:**

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jerry D. Anderson at Alaska Public Offices Commission, 2221 E. Northern Lights, #128, Anchorage, AK 99508, or email at [doa.apoc.regs@alaska.gov](mailto:doa.apoc.regs@alaska.gov) no later than the dates set out below. Please note that all comments APOC receives on proposed regulations are public records subject to inspection by any person that requests to view the comments.

Written comments on the respective regulations must be received no later than close of business on the following dates:

**Regulation of lobbying**, 2 AAC 50.550 -.590: February 28, 2011.

**Legislative and public official financial disclosure**, 2 AAC 50.680 -.799: February 28, 2011.

**Campaign disclosure**, 2 AAC 50.250 -.405: March 30, 2011.

**Alaska Public Offices Commission procedures**, 2 AAC 50.801-.899: March 30, 2011.

**General provisions**, 2AAC 50.920: March 30, 2011.

#### **Workshops:**

The Commission is having a series of workshops on the regulations. The Commission will not be taking comments on the regulations at the workshops. The workshops will begin with an explanation of the changes in the proposed regulations followed by a time period for questions from attendees. The workshops will be held by teleconference in the Department of Administration Conference Room, 19<sup>th</sup> Floor, Atwood Building, 550 W. 7<sup>th</sup> Avenue, Anchorage, AK and the Department of Administration Conference Room, 10<sup>th</sup> Floor, State Office Building, Juneau, AK. These hearings will be by video conference from both the Juneau and Anchorage locations and may also be accessed by telephone call from other locations in Alaska at 1 (800) 315-6338, code 4176 followed by the pound sign # and then the number 1.

#### **February 2, 2011 from 9:00 a.m. to 12:00 Noon**

Regulation of lobbying, 2 AAC 50.550 -.590, and procedures, 2 AAC 50.801-.899, and general provisions, 2 AAC 50.920.

**February 2, 2011 from 1:00 p.m. to 4:00 p.m.**

Legislative and public official financial disclosure, 2 AAC 50.680 -.799, and procedures, 2 AAC 50.801-.899 and general provisions, 2 AAC 50.920.

**February 3, 2011 from 1:30 p.m. to 4:30 p.m.**

Campaign disclosure, 2 AAC 50.250 -.405, procedures, 2 AAC 50.801-.899, and general provisions, 2 AAC 50.920.

**Hearings:**

Oral or written comments on the regulations also may be submitted at hearings to be held by video conference in the Department of Administration Conference Room, 19<sup>th</sup> Floor, Atwood Building, 550 W. 7<sup>th</sup> Avenue, Anchorage, AK and the Department of Administration Conference Room, 10<sup>th</sup> Floor, State Office Building, Juneau, AK and may also be accessed by telephone call from other locations in Alaska at 1 (800) 315-6338, code 4176 followed by the pound sign # and then the number 1. These hearings will be by video conference from both the Juneau and Anchorage locations and persons wishing to submit oral or written comments may do so by attending either location on the following dates:

**February 23, 2011 at 9:00 a.m.**

Regulation of lobbying, 2 AAC 50.550 -.590, and procedures, 2 AAC 50.801-.899, and general provisions, 2 AAC 50.920.

The hearing will be held from 9:00 a.m. to 11:45 a.m. and might be extended to accommodate those present before 11:45 a.m. who did not have an opportunity to comment.

**February 23, 2011 at 1:00 p.m.**

Legislative and public official financial disclosure, 2 AAC 50.680 -.799, and procedures, 2 AAC 50.801-.899 and general provisions, 2 AAC 50.920.

The hearing will be held from 1:00 p.m. to 3:30 p.m. and might be extended to accommodate those present before 3:30 p.m. who did not have an opportunity to comment.

**March 23, 2011 at 9:00 a.m.**

Campaign disclosure, 2 AAC 50.250 -.405, procedures, 2 AAC 50.801-.899, and General provisions, 2 AAC 50.920.

The hearing will be held from 9:00 a.m. to 11:45 a.m. and might be extended to accommodate those present before 11:45 a.m. who did not have an opportunity to comment.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jerry D. Anderson at (907) 276-4176 no later than 5 days prior to the scheduled workshop or hearing to ensure that any necessary accommodations can be provided.

For a copy of the proposed regulation changes, related documentation, or further details contact Jerry D. Anderson at Alaska Public Offices Commission, 2221 E. Northern Lights, #128, Anchorage, AK 99508, (907) 276-4176, or at (800) 478-4176 or at [jerry.anderson@alaska.gov](mailto:jerry.anderson@alaska.gov), or go to the website for the Alaska Public Offices Commission at <http://doa.alaska.gov/apoc/>

After the public comment period ends, the Alaska Public Offices Commission will either adopt these or other provisions dealing with the same subjects, without further notice, or decide to take no action on them. The language of the final regulations may be different from that of the proposed regulations. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.**

**Statutory Authority:** AS 15.13.030; AS 24.45.021; AS 24.60.220; AS 39.50.050

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 15.13; AS 24.45; AS 24.60.200-AS 24.60.260; AS 39.50.

**Fiscal Information:** The proposed regulation changes are not expected to require an increased appropriation.

DATE: January 20, 2011

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Holly R. Hill, Executive Director