



LAWS OF ALASKA

2003

Source

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Chapter No.

AN ACT

Amending the Regulation of Lobbying Act and the definition of "lobbyist" as it applies in the act setting standards of conduct for legislators and legislative employees; and amending the Regulation of Lobbying Act and the legislative standards of conduct to allow a lobbyist to give and a person covered by legislative standards of conduct to accept tickets to a charity event during a legislative session.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Amending the Regulation of Lobbying Act and the definition of "lobbyist" as it applies in the
2 act setting standards of conduct for legislators and legislative employees; and amending the
3 Regulation of Lobbying Act and the legislative standards of conduct to allow a lobbyist to
4 give and a person covered by legislative standards of conduct to accept tickets to a charity
5 event during a legislative session.

6
7 * **Section 1.** AS 24.45.121(a) is amended to read:

8 (a) A lobbyist may not

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

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

13 (3) intentionally deceive or attempt to deceive any public official with

1 regard to any material fact pertinent to pending or proposed legislative or
2 administrative action;

3 (4) cause or influence the introduction of a legislative measure solely
4 for the purpose of thereafter being employed to secure its passage or its defeat;

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

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

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

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

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

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

29 * **Sec. 2.** AS 24.45.171(1) is amended to read:

30 (1) "administrative action" means the proposal, drafting, development,
31 consideration, amendment, adoption, approval, promulgation, issuance, modification,

1 rejection, or postponement by any state agency of any rule **or** [,] regulation, [ORDER,
2 DECISION, DETERMINATION,] or any other quasi-legislative or quasi-judicial
3 action or proceeding whether or not governed by AS 44.62 (Administrative Procedure
4 Act); **"administrative action" does not include**

5 **(A) a proceeding or an action to determine the rights or**
6 **duties of a person under existing statutes, regulations, or policies;**

7 **(B) the issuance, amendment, or revocation of a permit,**
8 **license, or entitlement for use under existing statutes, regulations, or**
9 **policies by the agency authorized to issue, amend, or revoke the permit,**
10 **license, or entitlement for use;**

11 **(C) the enforcement of compliance with existing law or the**
12 **imposition of sanctions for a violation of existing law;**

13 **(D) procurement activity, including the purchase or sale of**
14 **property, goods, or services by the agency or the award of a grant**
15 **contract;**

16 **(E) the issuance of, or ensuring compliance with, an opinion**
17 **or activity related to a collective bargaining agreement including**
18 **negotiating or enforcing the agreement;**

19 * **Sec. 3.** AS 24.45.171(6) is amended to read:

20 (6) "influencing legislative or administrative action" means **to**
21 **communicate directly for the purpose of introducing,** promoting, advocating,
22 supporting, modifying, opposing, or delaying or seeking to do the same with respect to
23 any legislative or administrative action [BY MEANS INCLUDING BUT NOT
24 LIMITED TO THE PROVISION OR USE OF INFORMATION, STATISTICS,
25 STUDIES, OR ANALYSES IN WRITTEN OR ORAL FORM OR FORMAT];

26 * **Sec. 4.** AS 24.45.171(8) is amended to read:

27 (8) "lobbyist" means **a person who**

28 (A) **engages** [A PERSON WHO IS EMPLOYED AND
29 RECEIVES PAYMENTS, OR WHO CONTRACTS FOR ECONOMIC
30 CONSIDERATION, INCLUDING REIMBURSEMENT FOR
31 REASONABLE TRAVEL AND LIVING EXPENSES, TO COMMUNICATE

1 DIRECTLY OR THROUGH THE PERSON'S AGENTS WITH ANY
2 PUBLIC OFFICIAL FOR THE PURPOSE OF INFLUENCING
3 LEGISLATIVE OR ADMINISTRATIVE ACTION IF A SUBSTANTIAL OR
4 REGULAR PORTION OF THE ACTIVITIES FOR WHICH THE PERSON
5 RECEIVES CONSIDERATION IS FOR THE PURPOSE OF
6 INFLUENCING LEGISLATIVE OR ADMINISTRATIVE ACTION; OR

7 (B) A PERSON WHO REPRESENTS ONESELF AS
8 ENGAGING] in the [INFLUENCING OF LEGISLATIVE OR
9 ADMINISTRATIVE ACTION AS A] business, occupation, or profession **of**
10 **influencing legislative or administrative action; or**

11 **(B) receives wages or other economic consideration,**
12 **including reimbursement of travel and living expenses, to communicate**
13 **directly with any public official**

14 **(i) for the express purpose of influencing legislative**
15 **or administrative action; and**

16 **(ii) during more than 40 hours in any 30-day period**
17 **in one calendar year;**

18 * **Sec. 5.** AS 24.45.171 is amended by adding a new subsection to read:

19 (13) "communicate directly" means to speak with a legislator,
20 legislative employee, or public official

21 (A) by telephone;

22 (B) by two-way electronic communication; or

23 (C) in person.

24 * **Sec. 6.** AS 24.60.080(c) is amended by adding a new paragraph to read:

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

1 to entertainment, to food or beverages, or to other gifts or services involved in the
2 charity event.

3 * **Sec. 7.** AS 24.60.990(11) is amended to read:

4 (11) "lobbyist" means a person who is required to register under
5 AS 24.45.041 and is described under **AS 24.45.171** [AS 24.45.171(8)(A)], but does
6 not include a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational
7 lobbyist as defined under regulations of the Alaska Public Offices Commission;