

HOUSE CS FOR CS FOR SENATE BILL NO. 89(RLS)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Offered: 5/12/03

Referred: Rules

Sponsor(s): SENATOR SEEKINS

A BILL

FOR AN ACT ENTITLED

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

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

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-
 3 JUDICIAL] action or proceeding whether or not governed by AS 44.62
 4 (Administrative Procedure 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;**

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

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

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

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

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

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

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

26 (A) **engages** [A PERSON WHO IS EMPLOYED AND
 27 RECEIVES PAYMENTS, OR WHO CONTRACTS FOR ECONOMIC
 28 CONSIDERATION, INCLUDING REIMBURSEMENT FOR
 29 REASONABLE TRAVEL AND LIVING EXPENSES, TO COMMUNICATE
 30 DIRECTLY OR THROUGH THE PERSON'S AGENTS WITH ANY
 31 PUBLIC OFFICIAL FOR THE PURPOSE OF INFLUENCING

1 LEGISLATIVE OR ADMINISTRATIVE ACTION IF A SUBSTANTIAL OR
 2 REGULAR PORTION OF THE ACTIVITIES FOR WHICH THE PERSON
 3 RECEIVES CONSIDERATION IS FOR THE PURPOSE OF
 4 INFLUENCING LEGISLATIVE OR ADMINISTRATIVE ACTION; OR

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

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

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

14 **(ii) during more than 40 hours in any 30 day period**
 15 **in one calendar year;**

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

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

19 (A) by telephone;

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

21 (C) in person.

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

23 (10) tickets from a lobbyist for a charity event at any time, including
 24 during a legislative session; in this paragraph, "charity event" means an event the
 25 proceeds of which go to a charitable organization with tax-free status under 26 U.S.C.
 26 501(c)(3) and that the Alaska Legislative Council has approved in advance; the tickets
 27 may entitle the bearer to admission to the event, to entertainment, to food or
 28 beverages, or to other gifts or services involved in the charity event.

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

30 (11) "lobbyist" means a person who is required to register under
 31 AS 24.45.041 and is described under **AS 24.45.171** [AS 24.45.171(8)(A)], but does

1 not include a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational
2 lobbyist as defined under regulations of the Alaska Public Offices Commission;