

**HOUSE CS FOR CS FOR SENATE BILL NO. 89(RLS) am H**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE HOUSE RULES COMMITTEE

Amended: 5/14/03

Offered: 5/12/03

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-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 **a 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;