

1 IN THE HOUSE

BY THE RULES COMMITTEE BY REQUEST  
OF THE LEGISLATIVE COUNCIL

2 HOUSE BILL NO. 253

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to lobby regulation."

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

8 Section 1. DEFINITIONS. When used in this Act, unless  
9 clearly not applicable:

10 (1) "commissioner" means the Commissioner of Adminis-  
11 tration.

12 (2) "docket" means the register of legislative agents  
13 and principals and their interests in legislation, compiled  
14 and maintained by the commissioner.

15 (3) "expenditure" includes a payment, distribution,  
16 loan, advance, deposit, or gift of money, or anything of value,  
17 and includes a contract, promise or agreement, whether or not  
18 legally enforceable, to make an expenditure.

19 (4) "legislation" means bills, resolutions, memorials,  
20 amendments, repeals, nominations, vetoes, and any other matter  
21 which may be the subject of action by the legislature, and  
22 also includes executive approval or veto of legislation.

23 (5) "legislative agent" means any person who is en-  
24 gaged by another to influence legislation for compensation or  
25 who, as an officer, member, or employee of another person,  
26 attempts to influence legislation.

27 (6) "principal" means any person who engages, agrees  
28 to engage, or contributes to the compensation or expenditures  
29 of a legislative agent.

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1 (7) "person" includes an individual, partnership,  
2 committee, association, corporation, and any other organization  
3 or group of persons.

4 (8) the singular includes the plural.

5 (9) "to influence" includes to attempt to influence,  
6 to promote, to advocate, to oppose, or to affect or try to affect  
7 in any way the passage, defeat, approval, or veto of any legis-  
8 lation.

9 Sec. 2. PERSONS REQUIRED TO REGISTER. No person may act  
10 as a legislative agent unless he and his principal register  
11 with the commissioner, he subscribes to the required oath, and  
12 he and his principal pay registration fees as required by this  
13 Act.

14 Sec. 3. PERSONS NOT REQUIRED TO REGISTER. The following  
15 persons are not required to register, subscribe to the oath,  
16 pay registration fees, or file the reports required by this  
17 Act:

18 (1) persons invited by either or both houses of the  
19 legislature or any of its committees to appear before it for the  
20 purpose of explaining or giving information on any legislation  
21 insofar as the invitees appear or act in response to a specific  
22 invitation.

23 (2) persons supplying professional service in drafting,  
24 advising clients, or rendering opinions on the construction,  
25 affect, or effect of legislation insofar as the professional  
26 services are not otherwise connected with legislation.

27 (3) constituents with whom members of the legislature  
28 choose to consult about the advisability of legislation.

29 (4) legal counsel, officers, or agents of the political

1 subdivisions of the state, public boards, or public institutions.

2       Sec. 4. PERSONS PROHIBITED FROM REGISTERING. The follow-  
3 ing persons may not register and may not act as legislative  
4 agents:

5           (1) persons debarred from acting as legislative agents  
6 for violation of this Act until their debarment has expired.

7           (2) persons who had their certificate revoked and who  
8 have not subsequently filed a financial report as required by  
9 this Act.

10       Sec. 5. INFORMATION, FEES, AND OATH REQUIRED OF REGIS-  
11 TRANTS. a. Upon request for registration by a legislative  
12 agent or his principal, the commissioner shall provide the legis-  
13 lative agent and his principal with copies of this Act and with  
14 separate forms upon which the principal and the legislative  
15 agent shall enter the information required by this Act.

16           (1) The principal shall furnish the following informa-  
17 tion:

18                   (a) name and address of the principal and of each  
19 of his legislative agents,

20                   (b) amount of money or other form of compensa-  
21 tion to be paid each legislative agent and the manner of  
22 payment,

23                   (c) subject matter or legislation which each  
24 legislative agent is to influence,

25                   (d) the date of engagement or agreement for  
26 engagement of each legislative agent.

27           (2) The legislative agent shall furnish the following  
28 information:

29                   (a) name and address of the legislative agent

1 and of each of his principals.

2 (b) amount of money or other form of compen-  
3 sation to be paid to the legislative agent by each prin-  
4 cipal and the manner of payment.

5 (c) subject matter or legislation which the  
6 legislative agent is to influence for each prin-  
7 cipal.

8 (d) usual occupation of the legislative  
9 agent.

10 (e) the date of engagement or agreement for  
11 engagement of the legislative agent by each principal.

12 b. After completion of the required form, the legisla-  
13 tive agent shall subscribe to the oath required of state  
14 officers and employees, and a copy of this oath shall be  
15 filed with the commissioner. It is unlawful for any member  
16 of any Communist, Fascist, or subversive organization, as  
17 classified and listed by the Attorney General of the United  
18 States, to promote, advocate, or oppose the passage or defeat  
19 by the legislature of any bill, resolution, or legislative  
20 measure.

21 c. After the principal and his legislative agent have  
22 completed the required forms and the legislative agent has sub-  
23 scribed to the required oath, the legislative agent shall pay  
24 to the commissioner a fee of \$10.00 for each principal which  
25 he represents.

26 Sec. 6. IDENTIFICATION BADGE AND CERTIFICATE. Upon re-  
27 ceipt of the required information, oath, and registration  
28 fees, the commissioner shall issue the following to the  
29 legislative agent:

1 (1) an identification badge prepared by the com-  
2 missioner which the legislative agent shall wear while in the  
3 building in which the legislature is sitting, and

4 (2) a certificate, certifying that the legislative  
5 agent is properly registered to act as a legislative agent  
6 and listing the subject matter or legislation which the legis-  
7 lative agent is to influence.

8 (a) A separate certificate is issued to  
9 the legislative agent for each principal which he re-  
10 presents.

11 (b) Upon notification by the legislative  
12 agent of additional subject matter or legislation which  
13 his principal wants him to influence, the commissioner  
14 shall list the new subject matter or legislation on the  
15 certificate issued to the legislative agent for the  
16 principal concerned.

17 (c) Each certificate is valid from the time  
18 of its issuance or the beginning of the legislative  
19 session for which issued, whichever is later, until  
20 the beginning of the next regular or special legisla-  
21 tive session, unless the legislative agent is debarred  
22 from acting as a legislative agent or unless the certi-  
23 ficate is revoked, and is prima facie evidence that the  
24 person named on it has complied with the provisions of  
25 this Act.

26 Sec. 7. MAINTENANCE OF DOCKET. a. The commissioner  
27 shall maintain a docket and shall enter the following informa-  
28 tion in the docket:

29 (1) the name, residence, and usual occupation of  
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1 the legislative agent,

2 (2) the name and business address of each of his  
3 principals,

4 (3) the date of his engagement or agreement for  
5 engagement,

6 (4) the subject matter or legislation to which the  
7 engagement relates.

8 b. Changes or additions to the original list of sub-  
9 ject matter or legislation which the legislative agent is  
10 to influence shall be reported by the principal or his legis-  
11 lative agent to the commissioner before the legislative  
12 agent may attempt to influence the new subject matter or  
13 legislation. The commissioner shall enter the additional  
14 information in the docket with the original list.

15 c. The docket is a public record and open to the  
16 inspection of any citizen upon demand during the regular  
17 business hours of the state.

18 Sec. 8. REPORTS REQUIRED OF LEGISLATIVE AGENTS AND  
19 PRINCIPALS. a. Within 30 days after the final adjournment  
20 of any session of the legislature, each principal registered,  
21 whether or not any expenditure was made during that session,  
22 shall file with the commissioner an itemized report, veri-  
23 fied by the oath of the principal or an officer or member  
24 of the principal, showing in detail the following:

25 (1) total expenditures as a principal made to in-  
26 fluence legislation during that session,

27 (2) the names of legislative agents and the total  
28 amount paid to each, including all expenditures made in  
29 connection with the legislative agent,

1 (3) the nature of the legislation which the principal  
2 made expenditures to influence and the total amount expended  
3 regarding each.

4 b. Within 30 days after the final adjournment of any  
5 session of the legislature, each legislative agent regis-  
6 tered, whether or not any expenditure was made during that  
7 session, shall file with the commissioner an itemized re-  
8 port, verified by the oath of the legislative agent, showing  
9 in detail the following:

10 (1) the total amount of money or other things of  
11 value received by him as a legislative agent,

12 (2) the names of principals which were represented  
13 by the agent and the total amount received from each,

14 (3) the name and address of each person to whom  
15 an expenditure in one or more items of the aggregate amount  
16 or value, during the legislative session, of \$25.00 or more  
17 has been made and the amount, date, place, and purpose of  
18 the expenditure.

19 c. If the commissioner has not received a report from  
20 a principal or legislative agent registered for a legisla-  
21 tive session within 10 days after the final adjournment of  
22 that session, he shall notify the principal or the legisla-  
23 tive agent of his obligation to report, of the specific items  
24 required by this Act to be reported, and of the penalties,  
25 including revocation of certificate, for not complying with  
26 the provisions of this Act.

27 Sec. 9. REVOCATION OF CERTIFICATE. If, after notification  
28 of his obligation to report, a legislative agent or a principal  
29 fails to submit a report within the time required by this Act,

1 the commissioner shall revoke his certificate and the certificate  
2 shall be invalid until such time as the required report is  
3 submitted to the commissioner.

4 Sec. 10. CONTINGENCY COMPENSATION PROHIBITED. No person  
5 may be employed as a legislative agent for compensation depen-  
6 dent in any manner upon passage or defeat, or executive approval  
7 or veto, of any legislation or upon any other contingency  
8 whatever in connection with legislation.

9 Sec. 11. PENALTIES. a. Any legislative agent who influ-  
10 ences legislation without registering as required by this Act,  
11 or who influences legislation while debarred from acting as a  
12 legislative agent, or who influences legislation during the  
13 period in which his certificate has been revoked and has not  
14 been subsequently validated, or who influences legislation  
15 regarding a subject matter that is not included on his certi-  
16 ficate, or who intentionally files false information on any  
17 registration or report required by this Act is guilty of a  
18 misdemeanor and is punished by a fine of not less than \$100.00  
19 nor more than \$1,000.00 and is debarred from acting as legis-  
20 lative agent for a period of three years from the date of  
21 conviction.

22 b. Any principal who engages a legislative agent and  
23 fails to register or who intentionally files false information  
24 on any registration or report required by this Act is guilty of  
25 a misdemeanor and is punished by a fine of not less than \$200.00  
26 nor more than \$5,000.00.

27 c. Any person who wilfully violates any provision of this  
28 Act for which no specific penalty is provided otherwise, is  
29 guilty of a misdemeanor and is punished by a fine of not less

1 than \$200.00 nor more than \$1,000.00 or by imprisonment in jail  
2 for not more than one year.

3 Sec. 12. PROSECUTIONS. It is the duty of the Attorney  
4 General to prosecute violations of this Act.

5 Sec. 13. REPEALS. Sec. 35-2-181, ACLA 1949 as amended by  
6 Ch. 6, SLA 1949 and Ch. 15, SLA 1951; Secs. 35-2-182, 35-2-183,  
7 35-2-184, 35-2-185, ACLA 1949; Sec. 35-2-186, ACLA 1949 as  
8 amended by Ch. 6, SLA 1951; Secs. 35-2-187, 35-2-188, 35-2-189,  
9 35-2-190, 35-2-191, 35-2-192, ACLA 1949; and Sec. 35-2-193,  
10 ACLA 1949 as amended by Ch. 6, SLA 1951 are repealed.

11 Sec. 14. SAVING CLAUSE. This Act does not affect rights  
12 and duties that matured, penalties that were incurred, and  
13 proceedings that were begun before its effective date.  
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