

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.

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 Sec. 4. PERSONS PROHIBITED FROM REGISTERING. The following

1 persons may not register and may not act as legislative agents:

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

4 (2) persons who had their certificate revoked and who  
5 have not subsequently filed a financial report as required by  
6 this Act.

7 Sec. 5. INFORMATION, FEES, AND OATH REQUIRED OF REGISTRANTS.

8 a. Upon request for registration by a legislative agent or his  
9 principal, the commissioner shall provide the legislative agent  
10 and his principal with copies of this Act and with separate forms  
11 upon which the principal and the legislative agent shall enter the  
12 information required by this Act.

13 (1) The principal shall furnish the following informa-  
14 tion:

15 (a) name, address and type of business of the  
16 principal and the name and address of each of his legislative  
17 agents,

18 (b) amount of money or other form of compensation  
19 to be paid each legislative agent and the manner of payment,

20 (c) subject matter or legislation which each  
21 legislative agent is to influence,

22 (d) the date of engagement or agreement for  
23 engagement of each legislative agent.

24 (2) The legislative agent shall furnish the following  
25 information:

26 (a) name and address of the legislative agent and  
27 of each of his principals.

28 (b) amount of money or other form of compensation  
29 to be paid to the legislative agent by each principal and

1 the manner of payment.

2 (c) subject matter or legislation which the  
3 legislative agent is to influence for each principal.

4 (d) usual occupation of the legislative agent.

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

7 b. After completion of the required form, the legislative  
8 agent shall subscribe to the oath required of state officers and  
9 employees, and a copy of this oath shall be filed with the com-  
10 missioner. It is unlawful for any member of any Communist,  
11 Fascist, or subversive organization, as classified and listed by  
12 the Attorney General of the United States, to promote, advocate,  
13 or oppose the passage or defeat by the legislature of any bill,  
14 resolution, or legislative measure.

15 c. After the principal and his legislative agent have  
16 completed the required forms and the legislative agent has sub-  
17 scribed to the required oath, the legislative agent shall pay to  
18 the commissioner a fee of \$10.00 for each principal which he  
19 represents, except that legal counsel, officers, or agents of the  
20 political subdivisions of the state, public boards, or public  
21 institutions, shall not have to pay the said fee.

22 Sec. 6. IDENTIFICATION CERTIFICATE. Upon receipt of the  
23 required information, oath, and registration fees, the commissioner  
24 shall issue to the legislative agent a certificate, certifying  
25 that the legislative agent is properly registered to act as a  
26 legislative agent and listing the subject matter or legislation  
27 which the legislative agent is to influence.

28 (1) A separate certificate is issued to the legislative  
29 agent for each principal which he represents.

1           (2) Upon notification by the legislative agent of  
2 additional subject matter or legislation which his principal wants  
3 him to influence, the commissioner shall list the new subject  
4 matter or legislation on the certificate issued to the legislative  
5 agent for the principal concerned.

6           (3) Each certificate is valid from the time of its  
7 issuance or the beginning of the legislative session for which  
8 issued, whichever is later, until the beginning of the next  
9 regular or special legislative session, unless the legislative  
10 agent is debarred from acting as a legislative agent or unless the  
11 certificate is revoked, and is prima facie evidence that the  
12 person named on it has complied with the provisions of this Act.

13           Sec. 7. MAINTENANCE OF DOCKET. a. The commissioner shall  
14 maintain a docket and shall enter the following information in  
15 the docket:

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

18           (2) name, address and type of business of each of his  
19 principals,

20           (3) the date of his engagement or agreement for  
21 engagement,

22           (4) the subject matter or legislation to which the  
23 engagement relates.

24           b. Changes or additions to the original list of subject  
25 matter or legislation which the legislative agent is to influence  
26 shall be reported by the principal or his legislative agent to  
27 the commissioner before the legislative agent may attempt to  
28 influence the new subject matter or legislation. The commissioner  
29 shall enter the additional information in the docket with the

1 original list.

2 c. The docket is a public record and open to the inspection  
3 of any citizen upon demand during the regular business hours of  
4 the state.

5 Sec. 8. REPORTS REQUIRED OF LEGISLATIVE AGENTS AND PRINCIPALS.

6 a. Within 30 days after the final adjournment of any session of  
7 the legislature, each principal registered, whether or not any  
8 expenditure was made during that session, shall file with the  
9 commissioner an itemized report, verified by the oath of the  
10 principal or an officer or member of the principal, showing in  
11 detail the following:

12 (1) total expenditures as a principal made to influence  
13 legislation during that session,

14 (2) the names of legislative agents and the total  
15 amount paid to each, including all expenditures made in connection  
16 with the legislative agent,

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

20 b. Within 30 days after the final adjournment of any session  
21 of the legislature, each legislative agent registered, whether or  
22 not any expenditure was made during that session, shall file with  
23 the commissioner an itemized report, verified by the oath of the  
24 legislative agent, showing in detail the following:

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

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

29 (3) the name and address of each person to whom an

1 expenditure in one or more items of the aggregate amount or value,  
2 during the legislative session, of \$50.00 or more has been made  
3 and the amount, date, place, and purpose of the expenditure.

4 c. If the commissioner has not received a report from a  
5 principal or legislative agent registered for a legislative  
6 session within 10 days after the final adjournment of that session,  
7 he shall notify the principal or the legislative agent of his  
8 obligation to report, of the specific items required by this Act  
9 to be reported, and of the penalties, including revocation of  
10 certificate, for not complying with the provisions of this Act.

11 Sec. 9. REVOCATION OF CERTIFICATE. If, after notification  
12 of his obligation to report, a legislative agent or a principal  
13 fails to submit a report within the time required by this Act,  
14 the commissioner shall revoke his certificate and he shall be  
15 guilty of a misdemeanor and subject to the penalties prescribed  
16 by Section 11 (a) of this Act.

17 Sec. 10. CONTINGENCY COMPENSATION PROHIBITED. No person  
18 may be employed as a legislative agent for compensation dependent  
19 in any manner upon passage or defeat, or executive approval or  
20 veto, of any legislation or upon any other contingency whatever  
21 in connection with legislation.

22 Sec. 11. PENALTIES. a. Any legislative agent who influences  
23 legislation without registering as required by this Act, or who  
24 influences legislation while debarred from acting as a legislative  
25 agent, or who influences legislation during the period in which  
26 his certificate has been revoked and has not been subsequently  
27 validated, or who influences legislation regarding a subject  
28 matter that is not included on his certificate, or who intention-  
29 ally files false information on any registration or report required

1 by this Act is guilty of a misdemeanor and is punished by a fine  
2 of not more than \$1,000.00 and is debarred from acting as legis-  
3 lative agent for a period of three years from the date of con-  
4 viction.

5 b. Any principal who engages a legislative agent and fails  
6 to register or who intentionally files false information on any  
7 registration or report required by this Act is guilty of a misde-  
8 meanor and is punished by a fine of not more than \$1,000.00.

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

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

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