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1 IN THE HOUSE

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2 *FCS SCS*

HOUSE BILL NO. 522

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3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the regulation of lobbying; and
7 providing for an effective date."

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

- 9 * Section 1. AS 24.45.010 - 24.45.150 are repealed.
- 10 * Sec. 2. AS 24.45 is amended by adding new sections to read:

11 CHAPTER 45. REGULATION OF LOBBYING

12 [LEGISLATIVE REPRESENTATION].

13 ARTICLE 1. LEGISLATIVE DECLARATION OF PURPOSE.

14 Sec. 24.45.011. PURPOSE. The legislature finds and declares that
 15 the operation of responsible representative democracy requires that the
 16 fullest opportunity be afforded to the people to petition their govern-
 17 ment for the redress of grievances and to express freely to individual
 18 members of the legislature, to its committees, and to officials of the
 19 executive branch, their opinions on pending legislation or administra-
 20 tive actions that relate to current affairs; and that to preserve and
 21 maintain the integrity of the legislative and administrative processes
 22 it is essential that the identity, income, expenditures and activities
 23 of certain persons who engage in efforts to persuade members of the
 24 legislature or officials or agencies in the executive branch to take
 25 specific actions, either by direct communications to these members or
 26 officials or by solicitation or employment of others to engage in these
 27 efforts, be publicly and regularly disclosed.

28 ARTICLE 2. ADMINISTRATION.

29 Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be

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1 administered by the Alaska Public Offices Commission created under
2 AS 15.13.020(a).

3 (b) The commission shall promulgate regulations under the Adminis-
4 trative Procedure Act (AS 44.62) to implement the provisions of this
5 chapter.

6 Sec. 24.45.031. POWERS AND DUTIES. (a) In addition to its other
7 duties under this chapter, the commission shall

8 (1) prescribe the forms for registration, reports, statements,
9 notices and other documents required by this chapter;

10 (2) prepare and publish a manual and instructions setting
11 out the methods of accounting, bookkeeping and preservation of records
12 required to facilitate compliance with and enforcement of this chapter
13 and explaining the duties of persons subject to the provisions of this
14 chapter; the manual and instructions shall be updated periodically;

15 (3) provide assistance to persons in complying with the
16 provisions of this chapter;

17 (4) prepare and publish periodic, but at least quarterly
18 and annually, summaries of the statements and reports received; these
19 summaries shall list separately individual lobbyists, employers of
20 lobbyists, or sponsors of grass roots lobbying campaigns;

21 (5) prepare and publish other reports it considers appropri-
22 ate, including an annual report of its activities, findings and recom-
23 mendations under this chapter, to the governor, legislature and to the
24 public;

25 (6) report suspected violations of this chapter to the
26 attorney general;

27 (7) issue, upon request, and publish advisory opinions on
28 the requirements and application of this chapter, based upon any real or
29 hypothetical set of circumstances.

1 (b) The commission may

2 (1) hold hearings and conduct investigations into compliance
3 with the provisions of this chapter;

4 (2) in conjunction with (1) of this subsection, issue sub-
5 poenas, compel the attendance and testimony of witnesses, administer
6 oaths and affirmations, and require the production of books, papers,
7 records, documents or other items material to the commission's duties or
8 powers under this chapter.

9 ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

10 Sec. 24.45.041. REGISTRATION. (a) Before engaging in lobbying
11 or within 10 days after being employed as a lobbyist, whichever occurs
12 first, a lobbyist shall file a registration statement on a form pre-
13 scribed by the commission. Neither the filing of the lobbyist regis-
14 tration statement nor a report by a lobbyist required by sec. 51 of this
15 chapter exempts that lobbyist's employer, or the person whom the lobby-
16 ist represents, from registering or filing reports under sec. 61 or 71
17 of this chapter.

18 (b) The registration form prescribed by the commission shall be
19 accompanied by a 3-inch by 4-inch black and white photograph of himself
20 which is not more than five years old and a written authorization to
21 act as a lobbyist from each person by whom he is employed or with whom
22 he contracts for lobbying services and shall include

23 (1) the lobbyist's full name and complete permanent resi-
24 dence and business address and telephone number, as well as any temporary
25 residential and business address and telephone number in the state
26 capital during a legislative session;

27 (2) the full name and complete address, as prescribed in (1)
28 of this subsection, of each person, whether or not an employee, who
29 will assist the lobbyist;

1 (3) the full name and complete address of each person, as
2 prescribed in (1) of this subsection, by whom the lobbyist is retained
3 or employed, or on whose behalf the registrant lobbies, advocates
4 legislative or administrative action, or engages in the influencing of
5 legislative or administrative action;

6 (4) whether the person from whom the lobbyist receives
7 compensation employs him solely as a lobbyist or whether he is a regular
8 employee performing other services for his employer which include but
9 are not limited to the influencing of legislative or administrative
10 action;

11 (5) the duration of his employment and the date on which the
12 lobbyist expects his lobbying to end;

13 (6) the lobbyist's compensation for engaging in lobbying,
14 including salary, fees or reimbursement for expenses received in con-
15 sideration for, or directly in support of or in connection with, the
16 influencing of legislative or administrative action, as well as a full
17 description of any contract, agreement, arrangement or understanding
18 according to which the lobbyist's compensation or any portion of it is
19 or will be contingent upon the success of any attempt to influence
20 legislative or administrative action;

21 (7) a general description of the subjects or matters on which
22 the registrant expects to lobby or to engage in the influencing of
23 legislative or administrative action;

24 (8) the full name and complete address of the person who has
25 custody of the accounts, books, papers, bills, receipts and other docu-
26 ments required to be maintained under this chapter.

27 (c) If a change occurs in any of the information contained in a
28 registration statement filed under (a) of this section, or in any
29 accompanying document, an appropriate amendment shall be filed with the

1 commission within 10 days after the change.

2 (d) Within 45 days after the convening of each regular session of
3 the legislature, the commission shall publish a directory of registered
4 lobbyists, containing the photograph and the information prescribed in
5 (b) of this section for each lobbyist. From time to time thereafter
6 the commission shall publish those supplements to the directory that in
7 the commission's judgment may be necessary. The directory shall be
8 made available to elective state officers, members of the legislature,
9 agency or legislative officials, and to the public.

10 (e) Each lobbyist shall renew his registration annually by filing
11 a new registration statement together with a new authorization to act
12 as a lobbyist within 10 days after the convening of each regular session
13 of the legislature. The lobbyist also shall file any reports or state-
14 ments he has failed to file for a previous reporting period. The com-
15 mission may not renew lobbying credentials until this provision is
16 complied with.

17 (f) Each registered lobbyist shall file a notice of termination
18 with the commission within 30 days after he ceases the lobbying activity
19 which required his registration under this chapter.

20 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41
21 of this chapter shall file with the commission a report concerning his
22 activities during each preceding calendar month while the legislature
23 is in session, and during each preceding calendar quarter when the
24 legislature is not in session, so long as the lobbyist continues to
25 engage in lobbying activities. The report shall be made on a form pre-
26 scribed by the commission and filed in accordance with secs. 91 and 101
27 of this chapter. The report also shall include any changes in, or a com-
28 plete, up-to-date statement of, the information required to be supplied
29 under sec. 41(b) of this chapter and the following information for the

1 preceding calendar month or quarter, as applicable:

2 (1) the monetary value and source of all payments, including
3 but not limited to salary, fees, and reimbursement of expenses, received
4 in consideration for or directly or indirectly in support of or in con-
5 nection with influencing legislative or administrative action, and the
6 full name and complete address of each person from whom amounts or things
7 of value have been received and the total monetary value received from
8 each person;

9 (2) the date and amount of each disbursement or expenditure
10 made or incurred during the period by the lobbyist, or on behalf of the
11 lobbyist by his employer, together with the full name and complete
12 address of the payee, a specific description of the consideration, if
13 any, for which the disbursement or expenditure was made, and the full
14 name, address and official position of the beneficiary if the benefi-
15 ciary is other than the payee or the lobbyist, in the following categories:

16 (A) food, beverages and entertainment; in this category
17 of disbursements or expenditures, if more than \$100 a month in the
18 aggregate is disbursed or expended on behalf of any one person,
19 the full name of the person and his official position, if any, who
20 received the food, beverages or entertainment and the amount paid
21 for each person shall be stated;

22 (B) living accommodations;

23 (C) advertising;

24 (D) travel;

25 (E) telephone, telegraph, and other communications
26 services;

27 (F) contributions;

28 (G) office expenses, including rent, utilities and
29 the salaries and wages for staff and secretarial assistance;

1 (3) the name and official position of each elective state
2 officer, agency or legislative official, the name of each candidate
3 for elective state office, and the name of each member of the immediate
4 family of any of these officials or candidates with whom the lobbyist
5 has engaged in an exchange of money, goods, services or anything of
6 more than \$50 in value and the nature and date of each of these exchanges
7 and the monetary values exchanged;

8 (4) the name and address of any business entity in which the
9 lobbyist knows or has reason to know that an elective state officer,
10 or candidate for elective state office, or agency or legislative offi-
11 cial is a proprietor, partner, director, officer or manager, or has more
12 than a 50 per cent ownership interest, with whom the lobbyist has en-
13 gaged in an exchange of money, goods, services, or anything of value
14 and the nature and date of each exchange and the monetary value exchanged
15 if the total value of these exchanges is \$500 or more in a calendar year;
16 and

17 (5) a specific description of legislative or administrative
18 action which the lobbyist has influenced or attempted to influence, and
19 the elective state officers, candidates for elective state office,
20 agency or legislative officials, or legislative committees which the
21 lobbyist has influenced or attempted to influence.

22 Sec. 24.45.061. REPORTS BY EMPLOYERS OF LOBBYISTS. (a) A person
23 who employs, retains or who contracts for the services of one or more
24 lobbyists whether independently or jointly with other persons and a
25 person who directly or indirectly makes payments to influence legisla-
26 tive or administrative action of \$100 or more in value in a calendar
27 month when the legislature is in session or \$300 or more in value in
28 a calendar quarter when the legislature is not in session, shall file
29 a quarterly report containing

1 (1) the full name, complete business address and telephone
2 number of the person making the report;

3 (2) information sufficient to identify the nature and inter-
4 ests of the person making the report, including

5 (A) if the maker is an individual, the name and address
6 of his employer, if any, or his principal place of business if he
7 is self-employed, and a description of the business or professional
8 activity in which he or his employer is engaged;

9 (B) if the maker is a business entity, a description of
10 the business activity in which it is engaged;

11 (C) if the maker is an industry, trade or professional
12 association, a description of the industry, trade or profession
13 including a specific description of any portion or faction of the
14 industry, trade or profession which the association exclusively or
15 primarily represents and, if the association has less than 50
16 members, the names of the members; or

17 (D) if the maker is neither of those listed in (A) - (C)
18 of this paragraph, a statement of the person's nature and purposes
19 including a description of any industry, trade, profession or other
20 group with a common economic interest which the person principally
21 represents or from which its membership or financial support is
22 principally derived; however, the information required by (A) - (D)
23 of this paragraph need be stated only in the first report filed
24 during a calendar year, except that subsequent reports must reflect
25 changes in this information previously reported;

26 (3) the total amount of payments made to influence legis-
27 lative or administrative action during the period, and the name and
28 address of each person to whom these payments in an aggregate amount or
29 value of \$100 or more have been made during the period by the maker of

1 the report, together with the date, amount and a description of the
2 consideration received for each expenditure, and the full name of the
3 beneficiary of each expenditure if other than the maker or the payee;

4 (4) the name and official position of each elected state
5 officer, candidate for elected state office, or agency or legislative
6 official, and the name of each member of the immediate family of any
7 official or candidate with whom the maker of the report has engaged in
8 an exchange of money, goods, services or anything of value, the nature
9 and date of each such exchange and the monetary value exchanged, if the
10 fair market value of either side of the exchange was \$500 or more;

11 (5) the name and address of any business entity in which the
12 person making the report knows or has reason to know that an elected
13 state officer, or candidate for elected state office, agency or legis-
14 lative official is a proprietor, partner, director, officer, manager or
15 has more than a 50 per cent ownership interest, with whom the person
16 making the report has engaged in an exchange or exchanges of money,
17 goods, services or anything of value and the nature and date of each
18 exchange and the monetary value exchanged, if the total value of the
19 exchange or exchanges is \$500 or more in a calendar year;

20 (6) the date and amount of each contribution made by the
21 person making the report and the name of the recipient of each contri-
22 bution;

23 (7) a specific description of legislative or administrative
24 action which the person making the report has attempted to influence;

25 (8) the name of each lobbyist employed or retained by the
26 person making the report, together with the total amount paid to each
27 lobbyist and the portion of that amount which was paid for specific
28 purposes, including salary, fees, and reimbursement for expenses, in the
29 categories set out in sec. 51(2) of this chapter;

1 (9) any other information required by the commission consis-
2 tent with the purposes and provisions of this chapter.

3 (b) Each person filing a report under this section shall file a
4 notice of termination with the commission within 30 days after he ceases
5 employing or retaining a lobbyist registered under this chapter.

6 Sec. 24.45.071. DISCLOSURE OF CERTAIN RELATIONSHIPS REQUIRED. If
7 a person registered, or required to be registered, as a lobbyist under
8 this chapter, or a person who employs or retains a lobbyist, employs or
9 retains an elective state officer, or a candidate for elective state
10 office, or a legislative or agency official, and if that officer, candi-
11 date or official remains in the partial or full-time employ of the state
12 or an agency of it, the lobbyist, or employer of a lobbyist, shall file
13 a statement under oath with the commission setting out the name, address
14 and official position of the person employed, retained or paid, the
15 nature of the employment and the amount of pay or consideration to be
16 paid. The statement shall be filed within 10 days after the beginning
17 of that employment.

18 Sec. 24.45.081. GRASS ROOTS LOBBYING CAMPAIGNS. (a) A person who
19 has made expenditures not reported under any other section of this
20 chapter of \$100 or more a calendar month in the aggregate, or \$300 or
21 more a calendar quarter in the aggregate, in presenting a program ad-
22 dressed to the public, a substantial portion of which is intended,
23 designed, or calculated primarily to influence legislative or adminis-
24 trative action, shall be required to register and report under this
25 section as a sponsor of a grass roots lobbying campaign.

26 (b) Within 30 days after becoming a sponsor of a grass roots
27 lobbying campaign, the sponsor shall register by filing with the com-
28 mission a registration statement on a form prescribed by the commis-
29 sion including the following information:

1 (1) the sponsor's full name, complete address and business,
2 occupation or profession and, if the sponsor is not an individual, the
3 full names, complete addresses and titles of the controlling persons or
4 officers responsible for managing the sponsor's affairs;

5 (2) the full names, complete addresses and businesses, occu-
6 pations or professions of all persons organizing, managing or advising
7 the campaign, or employed or retained to do so, including any public
8 relations, advertising or professional campaign management firm partici-
9 pating in the campaign, and the terms of compensation for each of these
10 persons;

11 (3) the purpose of the campaign, including the specific
12 legislative or administrative action which is the subject of the
13 campaign;

14 (4) the full names and complete addresses of all persons
15 contributing more than \$100 to the campaign, and the amount contributed
16 by each person;

17 (5) the totals of all expenditures made or incurred to date
18 on behalf of the campaign; the totals shall be segregated according to
19 the categories set out in sec. 51(2) of this chapter; and the report
20 also shall include disbursements or expenditures made or incurred for
21 the following:

22 (A) consultants, advisors or professional campaign
23 management;

24 (B) printing and mailing expenses;

25 (C) advertising, identifying each form of media employed
26 including but not limited to radio, television, newspapers,
27 periodicals or other publications or printed matter.

28 (c) Every person registered under (a) of this section shall file
29 periodic reports with the commission in the same manner and according to

1 the same schedule prescribed for other statements and reports to be
2 filed under this chapter. The reports shall update the information
3 contained in the sponsor's registration statement filed under (b) of
4 this section and shall show contributions received and totals of expendi-
5 tures made during the reporting period in the same manner as provided
6 for in the registration statement.

7 (d) When the grass roots lobbying campaign has been terminated,
8 the sponsor shall file a notice of termination with the final monthly
9 or quarterly report. The notice shall state the totals of all contri-
10 butions and expenditures made on behalf of the campaign in the same
11 manner as prescribed in (b) of this section.

12 Sec. 24.45.091. CERTIFICATION OF REPORTS. Every statement or
13 report required to be filed under this chapter shall identify the full
14 name of the person preparing it, his complete address and telephone
15 number, and shall be certified as complete and correct under oath, both
16 by the person preparing it and by the person on whose behalf it is filed.

17 Sec. 24.45.101. REPORTING PERIODS. Reports required under secs.
18 51 - 81 of this chapter shall be filed during the calendar month follow-
19 ing each calendar month during any part of which the legislature was
20 in session and during the month following each calendar quarter when
21 the legislature was not in session. The period covered shall be the
22 calendar month or the calendar quarter, as applicable, and shall in
23 any event cover the period from the date of the last report filed under
24 this chapter to the date of the end of the calendar month or quarter,
25 as applicable, for which the report is being filed. The period covered
26 shall not include any months covered in previous reports filed by the
27 same person. When total amounts are required to be reported, totals
28 shall be stated both for the period covered by the statement and for the
29 entire calendar year to date.

1 Sec. 24.45.111. PUBLICATION OF REPORTS. The information contained
2 in the reports filed under secs. 51 - 81 of this chapter shall be pub-
3 lished in a joint supplement to the senate and house journals as soon
4 as practicable after each reporting period.

5 Sec. 24.45.121. PUBLIC RECORDS. Statements and reports filed
6 under this chapter are public records and shall be available for public
7 inspection and copying during normal business hours at the expense of
8 the person requesting copies; however, the charge for copying may not
9 exceed actual cost to the commission.

10 Sec. 24.45.131. PRESERVATION OF RECORDS. (a) A person required
11 to register or report as a lobbyist, as an employer of a lobbyist,
12 or as a sponsor of a grass roots lobbying campaign under secs. 41 - 81
13 of this chapter shall preserve all accounts, bills, receipts, books,
14 papers and documents necessary to substantiate the reports required to
15 be made and filed under secs. 51 - 81 of this chapter for a period of
16 at least five years from the date of the filing of the report containing
17 these items. These accounts, bills, receipts, books, papers and other
18 documents shall be made available for inspection by the commission, or
19 members of its staff, at any time. If a lobbyist is required under
20 the terms of his employment contract to turn any records over to his
21 employer, responsibility for the preservation of these records under
22 this section rests with the employer.

23 (b) The commission shall preserve the statements and reports
24 required to be filed under this chapter for a period of five years from
25 the date of filing. If the commission's central office is not in the
26 state capital, copies of all statements and reports filed under this
27 chapter shall be maintained in an office established by the commission
28 in the state capital.

29 ARTICLE 4. ENFORCEMENT.

1 Sec. 24.45.141. PROHIBITIONS. (a) No lobbyist may

2 (1) engage in any activity as a lobbyist before registering
3 under sec. 41 of this chapter;

4 (2) make a contribution, or act as an agent or intermediary
5 for the making of any contribution, or arrange for the making of any
6 contribution by himself or by any other person, to a candidate for
7 elective state office, or to a committee or group acting on the candi-
8 date's behalf;

9 (3) do anything with the purpose of placing an elective state
10 officer, or candidate for elective state office, or a legislative or
11 agency official under personal obligation to him or to his employer;

12 (4) deceive or attempt to deceive any elective state officer,
13 or candidate for elective state office, or a legislative or agency
14 official, with regard to any material fact pertinent to pending or
15 proposed legislative or administrative action;

16 (5) cause or influence the introduction of a legislative
17 measure for the purpose of thereafter being employed to secure its defeat;

18 (6) attempt to create a fictitious appearance of public favor
19 or disfavor of any proposed legislative or administrative action or to
20 cause a communication to be sent to an elective state officer, or a
21 candidate for elective state office, or to a legislative or agency
22 official, in the name of any fictitious person or in the name of any
23 real person, except with the consent of that person;

24 (7) represent falsely either directly or indirectly that he
25 can control the official action of an elective state officer, candidate
26 for elective state office, or a legislative or agency official;

27 (8) accept or agree to accept any payment in any way contingent
28 upon the defeat, enactment or outcome of any proposed legislative or
29 administrative action.

1 (b) No person may knowingly receive or accept a contribution or
2 gift made unlawful under (a)(2) - (3) of this section.

3 (c) No person may employ for pay or any consideration, or pay or
4 agree to pay consideration to, a person to lobby who is not registered
5 under sec. 41 or 81 of this chapter except upon condition that the
6 person register as provided in sec. 41 or 81 of this chapter and that
7 person does in fact so register as soon as practicable after being
8 employed to lobby.

9 Sec. 24.45.151. EXAMINATION OF STATEMENTS, REPORTS. (a) The
10 commission or its staff shall examine each statement or report filed
11 under this chapter within 10 days after the date it is filed. A person
12 required to file a statement or report under this chapter shall be noti-
13 fied immediately if

14 (1) it appears that the person has failed to file a statement
15 or report as required by law or that the statement or report filed does
16 not conform to the requirements of this chapter; or

17 (2) a written complaint is filed with the commission by any
18 qualified voter alleging that a statement or report filed with the
19 commission does not conform to the requirements of this chapter, or to
20 the truth, or that a person subject to the provisions of this chapter
21 has failed to file a statement or report in the manner prescribed by
22 this chapter.

23 (b) The commission shall conduct an investigation, and may conduct
24 a hearing, into an allegation under (a)(2) of this section.

25 (c) The commission shall report any suspected violations of this
26 chapter to the attorney general, to a district attorney in the judicial
27 district where the alleged violation occurred, or to a grand jury.

28 Sec. 24.45.161. CIVIL PENALTIES. (a) If a lobbyist or a sponsor
29 of a grass roots lobbying campaign violates any of the applicable

1 provisions of this chapter, his registration credentials may be sus-
2 pended or revoked by the commission after a hearing, and he may be
3 enjoined by the superior court from receiving compensation or making
4 disbursements or expenditures for lobbying activities. However, the
5 imposition of sanctions or penalties under this section or sec. 171 or
6 181 of this chapter does not excuse the lobbyist, employer of a lobbyist,
7 or sponsor from filing statements or reports required by this chapter.

8 (b) A person who pays compensation to a lobbyist, reimburses a
9 lobbyist for all or part of his expenses, or makes disbursements or
10 expenditures to solicit others to lobby, and who fails to make and file
11 a report of this compensation, reimbursement, disbursement or expendi-
12 ture under sec. 61 of this chapter, is, in addition to any other penalty
13 provided by law, subject to a civil penalty of up to three times that
14 compensation, reimbursement, disbursement or expenditure.

15 (c) A person who receives any payment, compensation, or reimburse-
16 ment for expenses for activity as a lobbyist and who fails to register
17 or to make and file a report under sec. 41 - 81 of this chapter is, in
18 addition to any other penalty prescribed by law, subject to a civil
19 penalty of up to three times that payment, compensation or reimbursement.

20 (d) A person who fails to file a properly completed and certified
21 report or statement within the time required by this chapter is subject
22 to a civil penalty of \$10 a day for each day the delinquency continues.

23 (e) A person who fails to report payments, compensation, gifts,
24 contributions, or expenditures required to be reported under this
25 chapter is subject to a civil penalty of up to three times the amount
26 he failed to report. A person who pays, receives or accepts the pro-
27 hibited compensation or who makes, receives or accepts a prohibited
28 gift, contribution or expenditure is subject to a civil penalty of up
29 to three times the prohibited or unlawful amount.

1 Sec. 24.45.171. INJUNCTIVE RELIEF. The superior court may enjoin
2 a person to prevent the doing of any act prohibited by this chapter or
3 to compel the performance of any act required by this chapter.

4 Sec. 24.45.181. CRIMINAL PENALTIES. (a) An individual who vio-
5 lates any provisions of this chapter, whether acting for himself, on
6 behalf of an employer or in concert with other persons, or who causes,
7 participates in, aids, abets, ratifies or confirms any violation of a
8 provision of this chapter is, upon conviction, punishable by a fine of
9 not less than \$100 nor more than \$1,000, or by imprisonment for not more
10 than one year, or by both.

11 (b) A person, other than an individual, who violates any provision
12 of this chapter, whether acting for himself, on behalf of an employer or
13 in concert with other persons, or who causes, participates in, aids,
14 abets, ratifies or confirms any violation of a provision of this chapter
15 is, upon conviction, punishable by a fine of not less than \$1,000 nor
16 more than \$10,000 for each offense.

17 ARTICLE 5. GENERAL PROVISIONS.

18 Sec. 24.45.191. EXEMPTIONS. (a) This chapter does not apply to

19 (1) an individual who, without payment of compensation or
20 other consideration, lobbies on behalf of himself and who limits his
21 lobbying activities to appearances before public sessions of the legis-
22 lature, or its committees or subcommittees, or to public hearings or
23 other proceedings of state agencies;

24 (2) an elected state or municipal public officer or an em-
25 ployee of the state or a municipality acting in his official capacity
26 or within the scope of his employment;

27 (3) any newspaper or other periodical of general circulation,
28 book publisher, radio or television station (including an individual who
29 owns, publishes or is employed by that newspaper or periodical, radio

1 or television station) which in the ordinary course of business pub-
2 lishes news items, editorials or other comments, or paid advertisements,
3 which directly or indirectly urge legislative or administrative action
4 if the newspaper, periodical, book publisher, radio or television station
5 or individual engages in no further or other activities in connection
6 with urging or advocating legislative or administrative action other
7 than to appear before public sessions of the legislature, or its com-
8 mittees or subcommittees, or public hearings or other proceedings of
9 state agencies.

10 (b) Nothing in this chapter may be construed as prohibiting or
11 affecting the rendering of professional services in drafting legislative
12 measures or in advising clients and in rendering opinions as to the
13 construction or effect of proposed or pending legislative or adminis-
14 trative action where these professional services are not otherwise
15 connected with influencing or attempting to influence legislative or
16 administrative action. Nor does anything in this chapter prevent members
17 of the legislature from discussing with constituents the advisability of
18 passing legislation then pending before, or proposed to be presented to,
19 the legislature.

20 Sec. 24.45.201. DEFINITIONS. In this chapter

21 (1) "administrative action" means the proposal, drafting,
22 development, consideration, amendment, adoption, approval, promulgation,
23 issuance, modification, rejection or postponement by any state agency of
24 any rule, regulation, order, decision, determination, or any other
25 quasi-legislative or quasi-judicial action or proceeding whether or not
26 governed by the Administrative Procedure Act (AS 44.62);

27 (2) "agency" means a state department, division, commission,
28 board, office, bureau, institution, corporation, authority, organization,
29 committee, council or board in the executive branch, or independent of

1 the executive branch, of state government;

2 (3) "agency official" means an officer, employee or member of
3 an "agency" acting in the exercise of his official duties or responsi-
4 bilities, other than in a purely clerical or manual capacity;

5 (4) "candidate" means an individual who is listed on the
6 ballot or who is a write-in candidate at any election for nomination for
7 or election to an elective state office, or who receives a contribution
8 or makes an expenditure or gives his consent for any other person to
9 receive a contribution or make an expenditure with a view to bringing
10 about his nomination or election to elective state office, whether or
11 not the specific elective state office for which he will seek nomina-
12 tion or election is known at the time the contribution is received or
13 the expenditure is made and whether or not he has announced his candi-
14 dacy or filed a declaration of candidacy at the time the contribution
15 is made or offered; "candidate" also includes an elective state officer
16 who is the subject of a recall election;

17 (5) "contribution" means a purchase, payment, a deposit or
18 gift of money, goods or services for which a charge ordinarily is made,
19 a loan, loan guarantee, forgiveness of a loan, a payment of a loan by
20 a third party, or an enforceable promise to make a payment except to the
21 extent that full and adequate consideration is received unless it is
22 clear from the surrounding circumstances that it is not made for poli-
23 tical purposes or for the purpose of influencing legislative or adminis-
24 trative action; it includes the purchase of tickets for events and the
25 granting of discounts or rebates not extended to the public generally;
26 "contribution" does not include volunteer personal services or payments
27 made by an individual for his own travel expenses if those payments are
28 made voluntarily without any understanding or agreement that these pay-
29 ments will be directly or indirectly repaid to him;

1 (6) "elective state officer" means the governor, lieutenant
2 governor, governor-elect or lieutenant governor-elect, or a member or
3 member-elect of the legislature;

4 (7) "gift" means any payment to the extent that consideration
5 of equal or greater value is not received; any person other than a
6 defendant in a criminal action who claims that a payment is not a gift
7 by reason of receipt of consideration has the burden of proving that the
8 consideration received is of equal or greater value; "gift" does not
9 include informational or promotional materials such as books, reports,
10 pamphlets, calendars or periodicals; however, no payment for travel or
11 reimbursement for any expenses may be considered "informational material".

12 (8) "immediate family" means the spouse and dependent children
13 of an individual;

14 (9) "individual" means a natural person;

15 (10) "influencing legislative or administrative action" means
16 promoting, advocating, supporting, modifying, opposing or delaying or
17 seeking to do the same with respect to any legislative or administrative
18 action by means including but not limited to the provision or use of
19 information, statistics, studies, analyses in written or oral form or
20 format;

21 (11) "legislative action" means the preparation, research,
22 drafting, introduction, consideration, modification, amendment, approval,
23 passage, enactment, defeat or rejection of any bill, resolution, amend-
24 ment, motion, report, nomination, appointment or other matter by the
25 legislature, or by a standing, interim or special committee of the
26 legislature, or by a member or employee of the legislature acting in
27 his official capacity; it includes, but is not limited to, the action
28 of the governor in approving or vetoing a bill or the action of the
29 legislature in considering, overriding or sustaining that veto and the

1 action of the legislature in considering, confirming or rejecting an
2 executive appointment of the governor;

3 (12) "legislative official" means a member of the legislature
4 or an employee of the legislature whose duties are not solely clerical
5 or manual;

6 (13) "lobbyist" means a person who is employed and receives
7 payments, or who contracts for economic consideration, other than
8 reimbursement for reasonable travel expenses, to communicate directly
9 or through his agents with any elective state officer, candidate for
10 elective state office, or agency or legislative official for the purpose
11 of influencing legislative or administrative action if a substantial
12 or regular portion of the activities for which he receives considera-
13 tion is for the purpose of influencing legislative or administrative
14 action or a person who represents himself as engaging in that communica-
15 tion as a business, occupation or profession;

16 (14) "payment" means the disbursement, distribution, transfer,
17 loan, advance, deposit, gift or other rendering or tendering of money,
18 property, goods or services or anything else of value, whether tangible
19 or intangible;

20 (15) "payment to influence legislative or administrative
21 action" means any of the following:

22 (A) a direct or indirect payment to a lobbyist whether
23 for salary, fee, compensation for expenses, or any other purpose,
24 by a person employing, retaining or contracting for the services
25 of the lobbyist separately or jointly with other persons;

26 (B) a payment in support of or assistance to a lobbyist
27 or his activities, including but not limited to the direct payment
28 of expenses incurred at the request or suggestion of the lobbyist;

29 (C) a payment which directly benefits an elective state

1 officer, candidate for elective state office, agency or legislative
2 official, or a member of the immediate family of that officer or
3 official;

4 (D) a payment, including compensation, payment or
5 reimbursement for the services, time or expenses of an employee for
6 or in connection with direct communication with an elective state
7 officer, candidate for elective state office, agency or legisla-
8 tive official;

9 (E) a payment for or in connection with soliciting or
10 urging other persons to enter into direct communication with an
11 elective state officer, candidate for elective state office, agency
12 or legislative official;

13 (16) "person", in addition to the terms set out in AS 01.10.-
14 060(7), includes a labor union.

15 Sec. 24.45.211. SHORT TITLE. This chapter may be cited as the
16 Regulation of Lobbying Act.

17 * Sec. 3. AS 15.13.030(10) is amended to read:

18 (10) adopt regulations necessary to implement and clarify
19 the provisions of AS 24.45, AS 39.50 and this chapter, subject to the
20 provisions of the Administrative Procedure Act (AS 44.62).

21 * Sec. 4. Records, papers, documents or other materials relating to the
22 administration of AS 24.45 before January 1, 1976 shall be transferred from
23 the Department of Administration to the Alaska Public Offices Commission on
24 January 1, 1976.

25 * Sec. 5. This Act takes effect January 1, 1976.
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