

Original sponsors: Parker, Bradley
Gardiner, Malone, Miller and Sullivan

Offered: 1/30/76
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 522

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND 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 AS 24.45.010 - 24.45.150 are repealed.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

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 (b) The commission may

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

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

6 ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

7 Sec. 24.45.041. REGISTRATION. (a) Before engaging in lobbying
8 or within 10 days after being employed as a lobbyist, whichever occurs
9 first, a lobbyist shall file a registration statement on a form pre-
10 scribed by the commission.

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

16 (1) the lobbyist's full name and complete permanent residence
17 and business address and telephone number, as well as any temporary
18 residential and business address and telephone number in the state
19 capital during a legislative session;

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

25 (3) whether the person from whom the lobbyist receives
26 compensation employs him solely as a lobbyist or whether he is a regular
27 employee performing other services for his employer which include but
28 are not limited to the influencing of legislative or administrative
29 action;

1 (4) the duration of his employment and the date on which the
2 lobbyist expects his lobbying to end;

3 (5) the lobbyist's compensation for engaging in lobbying,
4 including salary, fees or reimbursement for expenses received in con-
5 sideration for, or directly in support of or in connection with, the
6 influencing of legislative or administrative action;

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

10 (7) the full name and complete address of the person who has
11 custody of the accounts, books, papers, bills, receipts and other docu-
12 ments required to be maintained under this chapter.

13 (c) If a change occurs in any of the information contained in a
14 registration statement filed under (a) of this section, or in any
15 accompanying document, an appropriate amendment shall be filed with the
16 commission within 10 days after the change.

17 (d) Within 45 days after the convening of each regular session of
18 the legislature, the commission shall publish a directory of registered
19 lobbyists, containing the photograph and the information prescribed in
20 (b) of this section for each lobbyist. From time to time thereafter the
21 commission shall publish those supplements to the directory that in the
22 commission's judgment may be necessary. The directory shall be made
23 available to public officials and to the public.

24 (e) Each lobbyist shall renew his registration annually by filing
25 a new registration statement together with a new authorization to act as
26 a lobbyist within 10 days after the convening of each regular session of
27 the legislature. The lobbyist also shall file any reports or statements
28 he has failed to file for a previous reporting period. The commission
29 may not renew lobbying credentials until this provision is complied

1 with.

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

5 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41
6 of this chapter shall file with the commission a report concerning his
7 activities during each preceding calendar month while the legislature is
8 in session, and during each preceding calendar quarter when the legis-
9 lature is not in session, so long as the lobbyist continues to engage in
10 lobbying activities. The report shall be made on a form prescribed by
11 the commission and filed in accordance with secs. 101 and 111 of this
12 chapter. The report also shall include any changes in the information
13 required to be supplied under sec. 41(b) of this chapter and the fol-
14 lowing information for the preceding calendar month or quarter, as
15 applicable:

16 (1) the source of income, as defined in AS 39.50.200(8) and
17 the monetary value of all payments, including but not limited to
18 salary, fees, and reimbursement of expenses, received in consideration
19 for or directly or indirectly in support of or in connection with
20 influencing legislative or administrative action, and the full name and
21 complete address of each person from whom amounts or things of value
22 have been received and the total monetary value received from each
23 person;

24 (2) the aggregate amount of disbursements or expenditures
25 made or incurred during the period by the lobbyist, or on behalf of the
26 lobbyist by his employer in the following categories:

27 (A) food and beverages; in this category of disburse-
28 ments or expenditures, if more than \$100 a month in the aggregate
29 is disbursed or expended on behalf of any one public official or

1 candidate, the full name of the person and his official position,
2 if any, who received the food or beverages and the amount paid for
3 each person shall be stated;

4 (B) living accommodations;

5 (C) travel;

6 (3) the date and nature of any gift exceeding \$10 in value
7 made to a public official or candidate and the full name and official
8 position of that person;

9 (4) the name and official position of each public official,
10 or candidate and the name of each member of the immediate family of any
11 of these officials or candidates with whom the lobbyist has engaged in
12 an exchange of money, goods, services or anything of more than \$50 in
13 value and the nature and date of each of these exchanges and the mone-
14 tary values exchanged;

15 (5) the name and address of any business entity in which the
16 lobbyist knows or has reason to know that a public official or candidate
17 is a proprietor, partner, director, officer or manager, or has more than
18 a 50 per cent ownership interest, with whom the lobbyist has engaged in
19 an exchange of money, goods, services, or anything of value and the
20 nature and date of each exchange and the monetary value exchanged if the
21 total value of these exchanges is \$500 or more in a calendar year; and

22 (6) the date and amount of each contribution, as defined
23 in AS 15.13.130(2), made to a public official or candidate by the
24 lobbyist and the name and official position of the person to whom the
25 contribution was made;

26 Sec. 24.45.061. REPORTS BY EMPLOYERS OF LOBBYISTS. (a) A person
27 who employs, retains or who contracts for the services of one or more
28 lobbyists whether independently or jointly with other persons and a
29 person who directly or indirectly makes payments to influence legisla-

1 tive or administrative action of \$100 or more in value in a calendar
2 month when the legislature is in session or \$300 or more in value in a
3 calendar quarter when the legislature is not in session, shall file a
4 quarterly report containing

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

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

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

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

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

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

1 (3) the total amount of payments made to influence legis-
2 lative or administrative action during the period, and the name and
3 address of each person to whom these payments in an aggregate amount or
4 value of \$100 or more have been made during the period by the maker of
5 the report, together with the date, amount and a description of the
6 consideration received for each expenditure, and the full name of the
7 beneficiary of each expenditure if other than the maker or the payee;

8 (4) the name and official position of each public official or
9 candidate and the name of each member of the immediate family of any
10 official or candidate with whom the maker of the report has engaged in
11 an exchange of money, goods, services or anything of value, the nature
12 and date of each such exchange and the monetary value exchanged, if the
13 fair market value of either side of the exchange was \$500 or more;

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

22 (6) the date and amount of each contribution as defined in
23 AS 15.13.130(2), made to a public official or candidate by the person
24 making the report and the name and official position of the recipient of
25 each contribution;

26 (7) the date and nature of any gift exceeding \$10 in value
27 made to any public official or candidate and the full name and official
28 position of the recipient of each gift;

29 (8) a specific description of legislative or administrative

1 action which the person making the report has attempted to influence;

2 (9) the name of each lobbyist employed or retained by the
3 person making the report, together with the total amount paid to each
4 lobbyist and the portion of that amount, if any, which was paid for
5 specific purposes, including salary, fees, and reimbursement for ex-
6 penses, in the categories set out in sec. 51(2) of this chapter;

7 (10) any other information required by the commission consis-
8 tent with the purposes and provisions of this chapter.

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

12 Sec. 24.45.071. REPORTS BY PUBLIC OFFICIALS, CANDIDATES. Each
13 public official or candidate shall file with the commission a form pre-
14 scribed by it a report for the periods required under sec. 111 of this
15 chapter disclosing the following information for the preceding calendar
16 month or quarter, as applicable:

17 (1) if the official or candidate received in the aggregate
18 more than \$100 a month in food and beverages from any one lobbyist, or
19 employer of a lobbyist, the name of that lobbyist, or employer of a
20 lobbyist, and the amount received from each; and

21 (2) the date, nature and source of any gift exceeding \$10 in
22 value received by the public official or candidate from a lobbyist or
23 employer of a lobbyist.

24 Sec. 24.45.081. DISCLOSURE OF CERTAIN RELATIONSHIPS REQUIRED. If
25 a person registered, or required to be registered, as a lobbyist under
26 this chapter, or a person who employs or retains a lobbyist, employs or
27 retains a public official or candidate, and if that official or candi-
28 date remains in the partial or full-time employ of the state or an
29 agency of it, the lobbyist, or employer of a lobbyist, shall file a

1 statement under oath with the commission setting out the name, address
2 and official position of the person employed, retained or paid, the
3 nature of the employment and the amount of pay or consideration to be
4 paid. The statement shall be filed within 10 days after the beginning
5 of that employment.

6 Sec. 24.45.091. GRASS ROOTS LOBBYING CAMPAIGNS. (a) A person who
7 has made expenditures not reported under any other section of this
8 chapter of \$300 or more a calendar month in the aggregate, or \$1,500 or
9 more a calendar quarter in the aggregate, in presenting a program ad-
10 dressed to the public, a substantial portion of which is intended,
11 designed, or calculated primarily to influence legislative or adminis-
12 trative action, shall be required to register and report under this
13 section as a sponsor of a grass roots lobbying campaign.

14 (b) Within 30 days after becoming a sponsor of a grass roots
15 lobbying campaign, the sponsor shall register by filing with the com-
16 mission a registration statement on a form prescribed by the commission
17 including the following information:

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

22 (2) the full names, complete addresses and businesses, occu-
23 pations or professions of all persons organizing, managing or advising
24 the campaign, or employed or retained to do so, including any public
25 relations, advertising or professional campaign management firm partici-
26 pating in the campaign, and the terms of compensation for each of these
27 persons;

28 (3) the purpose of the campaign, including the specific
29 legislative or administrative action which is the subject of the campaign;

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

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

9 (A) consultants, advisors or professional campaign
10 management;

11 (B) printing and mailing expenses;

12 (C) advertising, identifying each form of media employed
13 including but not limited to radio, television, newspapers, peri-
14 odicals or other publications or printed matter.

15 (c) Every person registered under (a) of this section shall file
16 periodic reports with the commission in the same manner and according to
17 the same schedule prescribed for other statements and reports to be
18 filed under this chapter. The reports shall update the information
19 contained in the sponsor's registration statement filed under (b) of
20 this section and shall show contributions received and totals of ex-
21 penditures made during the reporting period in the same manner as
22 provided for in the registration statement.

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

28 Sec. 24.45.101. CERTIFICATION OF REPORTS. Every statement or
29 report required to be filed under this chapter shall identify the full

1 name of the person preparing it, his complete address and telephone
2 number, and shall be certified as complete and correct under oath, both
3 by the person preparing it and by the person on whose behalf it is
4 filed.

5 Sec. 24.45.111. REPORTING PERIODS. Reports required under this
6 chapter shall be filed by the 10th day of the calendar month following
7 each calendar month during any part of which the legislature was in
8 session and by the 10th day of the month following each calendar quarter
9 when the legislature was not in session. The period covered shall be
10 the calendar month or the calendar quarter, as applicable, and shall in
11 any event cover the period from the date of the last report filed under
12 this chapter to the date of the end of the calendar month or quarter, as
13 applicable, for which the report is being filed. The period covered
14 shall not include any months covered in previous reports filed by the
15 same person. When total amounts are required to be reported, totals
16 shall be stated both for the period covered by the statement and for the
17 entire calendar year to date.

18 Sec. 24.45.121. PUBLICATION OF REPORTS. The information contained
19 in the reports filed under this chapter shall be published in a joint
20 supplement to the senate and house journals as soon as practicable after
21 each reporting period.

22 Sec. 24.45.131. PUBLIC RECORDS. Statements and reports filed
23 under this chapter are public records and shall be available for public
24 inspection and copying during normal business hours at the expense of
25 the person requesting copies; however, the charge for copying may not
26 exceed actual cost to the commission.

27 Sec. 24.45.141. PRESERVATION OF RECORDS. (a) A person required
28 to register or report as a lobbyist, as an employer of a lobbyist, or as
29 a sponsor of a grass roots lobbying campaign shall preserve all ac-

1 counts, bills, receipts, books, papers and documents necessary to
2 substantiate the reports required to be made and filed under this chap-
3 ter for a period of at least five years from the date of the filing of
4 the report containing these items. These accounts, bills, receipts,
5 books, papers and other documents shall be made available for inspection
6 by the commission, or members of its staff, at any time. If a lobbyist
7 is required under the terms of his employment contract to turn any
8 records over to his employer, responsibility for the preservation of
9 these records under this section rests with the employer.

10 (b) The commission shall preserve the statements and reports
11 required to be filed under this chapter for a period of five years from
12 the date of filing. If the commission's central office is not in the
13 state capital, copies of all statements and reports filed under this
14 chapter shall be maintained in an office established by the commission
15 in the state capital.

16 ARTICLE 4. ENFORCEMENT.

17 Sec. 24.45.151. PROHIBITIONS. (a) No lobbyist may

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

20 (2) do anything with the purpose of placing a public official
21 or candidate under personal obligation to him or to his employer;

22 (3) deceive or attempt to deceive any public official or
23 candidate, with regard to any material fact pertinent to pending or
24 proposed legislative or administrative action;

25 (4) cause or influence the introduction of a legislative
26 measure for the purpose of thereafter being employed to secure its
27 defeat;

28 (5) attempt to create a fictitious appearance of public favor
29 or disfavor of any proposed legislative or administrative action or to

1 cause a communication to be sent to a public official or candidate, in
2 the name of any fictitious person or in the name of any real person,
3 except with the consent of that person;

4 (6) represent falsely either directly or indirectly that he
5 can control the official action of a public official or candidate;

6 (7) accept or agree to accept any payment in any way con-
7 tingent upon the defeat, enactment or outcome of any proposed legis-
8 lative or administrative action.

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

11 (c) No person may employ for pay or any consideration, or pay or
12 agree to pay consideration to, a person to lobby who is not registered
13 under of this chapter except upon condition that the person register and
14 that person does in fact so register as soon as practicable after being
15 employed to lobby.

16 Sec. 24.45.161. EXAMINATION OF STATEMENTS, REPORTS. (a) The
17 commission or its staff shall examine each statement or report filed
18 under this chapter within 10 days after the date it is filed. A person
19 required to file a statement or report under this chapter shall be noti-
20 fied immediately if

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

24 (2) a written complaint is filed with the commission by any
25 qualified voter alleging that a statement or report filed with the
26 commission does not conform to the requirements of this chapter, or to
27 the truth, or that a person subject to the provisions of this chapter
28 has failed to file a statement or report in the manner prescribed by
29 this chapter.

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

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

6 Sec. 24.45.171. CIVIL PENALTIES. (a) If a lobbyist or a sponsor
7 of a grass roots lobbying campaign violates any of the applicable
8 provisions of this chapter, his registration credentials may be sus-
9 pended or revoked by the commission after a hearing, and he may be
10 enjoined by the superior court from receiving compensation or making
11 disbursements or expenditures for lobbying activities. However, the
12 imposition of sanctions or penalties under this section or sec. 181 or
13 191 of this chapter does not excuse the lobbyist, employer of a lob-
14 byist, or sponsor from filing statements or reports required by this
15 chapter.

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

23 (c) A person who receives any payment, compensation, or reimburse-
24 ment for expenses for activity as a lobbyist and who fails to register
25 or to make and file a report under of this chapter is, in addition to
26 any other penalty prescribed by law, subject to a civil penalty of up to
27 three times that payment, compensation or reimbursement.

28 (d) A person who fails to report payments, compensation, gifts,
29 contributions, or expenditures required to be reported under this

1 chapter is subject to a civil penalty of up to three times the amount he
2 failed to report. A person who pays, receives or accepts the prohibited
3 compensation or who makes, receives or accepts a prohibited gift, con-
4 tribution or expenditure is subject to a civil penalty of up to three
5 times the prohibited or unlawful amount.

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

9 Sec. 24.45.181. INJUNCTIVE RELIEF. The superior court may enjoin
10 a person to prevent the doing of any act prohibited by this chapter or
11 to compel the performance of any act required by this chapter.

12 Sec. 24.45.191. CRIMINAL PENALTIES. (a) An individual who vio-
13 lates any provisions of this chapter, whether acting for himself, on
14 behalf of an employer or in concert with other persons, or who causes,
15 participates in, aids, abets, ratifies or confirms any violation of a
16 provision of this chapter is, upon conviction, punishable by a fine of
17 not less than \$100 nor more than \$1,000, or by imprisonment for not more
18 than one year, or by both.

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

25 ARTICLE 5. GENERAL PROVISIONS.

26 Sec. 24.45.201. EXEMPTIONS. (a) This chapter does not apply to

27 (1) an individual

28 (A) who, without payment of compensation or other
29 consideration, lobbies on behalf of himself; or

1 (B) who limits his lobbying activities to appearances
2 before public sessions of the legislature, or its committees or
3 subcommittees, or to public hearings or other proceedings of state
4 agencies;

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

8 (3) any newspaper or other periodical of general circulation,
9 book publisher, radio or television station (including an individual who
10 owns, publishes or is employed by that newspaper or periodical, radio
11 or television station) which in the ordinary course of business pub-
12 lishes news items, editorials or other comments, or paid advertisements,
13 which directly or indirectly urge legislative or administrative action
14 if the newspaper, periodical, book publisher, radio or television sta-
15 tion or individual engages in no further or other activities in con-
16 nection with urging or advocating legislative or administrative action
17 other than to appear before public sessions of the legislature, or its
18 committees or subcommittees, or public hearings or other proceedings of
19 state agencies.

20 (b) Nothing in this chapter may be construed as prohibiting or
21 affecting the rendering of professional services in drafting legislative
22 measures or in advising clients and in rendering opinions as to the
23 construction or effect of proposed or pending legislative or adminis-
24 trative action where these professional services are not otherwise
25 connected with influencing or attempting to influence legislative or
26 administrative action. Nor does anything in this chapter prevent members
27 of the legislature from discussing with constituents the advisability of
28 passing legislation then pending before, or proposed to be presented to,
29 the legislature.

1 Sec. 24.45.211. DEFINITIONS. In this chapter

2 (1) "administrative action" means the proposal, drafting,
3 development, consideration, amendment, adoption, approval, promulgation,
4 issuance, modification, rejection or postponement by any state agency of
5 any rule, regulation, order, decision, determination, or any other
6 quasi-legislative or quasi-judicial action or proceeding whether or not
7 governed by the Administrative Procedure Act (AS 44.62);

8 (2) "agency" means a state department, division, commission,
9 board, office, bureau, institution, corporation, authority, organization,
10 committee, council or board in the executive branch, or independent of
11 the executive branch, of state government;

12 (3) "candidate" means an individual who is listed on the
13 ballot or who is a write-in candidate at any election for nomination for
14 or election to an elective state office, or who receives a contribution
15 or makes an expenditure or gives his consent for any other person to
16 receive a contribution or make an expenditure with a view to bringing
17 about his nomination or election to elective state office, whether or
18 not the specific elective state office for which he will seek nomination
19 or election is known at the time the contribution is received or the
20 expenditure is made and whether or not he has announced his candidacy or
21 filed a declaration of candidacy at the time the contribution is made or
22 offered; "candidate" also includes an elective state officer who is the
23 subject of a recall election;

24 (4) "gift" means any payment to the extent that consideration
25 of equal or greater value is not received unless it is clear from sur-
26 rounding circumstances that it is not made for the purpose of influenc-
27 ing legislative or administrative action; it includes a loan, loan
28 guarantee, forgiveness of a loan, a payment of a loan by a third party,
29 or an enforceable promise to make a payment except that full and ade-

1 quate consideration is received; it also includes the purchase of
2 tickets for travel or for entertainment events and the granting of
3 discounts or rebates not extended to the public generally; "gift" does
4 not include informational or promotional materials such as books, re-
5 ports, pamphlets, calendars or periodicals; it also does not include
6 food and beverages sold ready for immediate consumption in or by res-
7 taurants, drug stores, lunch counters, cafeterias, hotels or like places
8 of public accommodation; any person other than a defendant in a criminal
9 action who claims that a payment is not a gift by reason of receipt of
10 consideration has the burden of proving that the consideration received
11 is of equal or greater value.

12 (5) "immediate family" means the spouse and dependent chil-
13 dren of an individual;

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

15 (7) "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 (8) "legislative action" means the preparation, research,
22 drafting, introduction, consideration, modification, amendment, approv-
23 al, passage, enactment, defeat or rejection of any bill, resolution,
24 amendment, motion, report, nomination, appointment or other matter by
25 the legislature, or by a standing, interim or special committee of the
26 legislature, or by a member or employee of the legislature acting in his
27 official capacity; it includes, but is not limited to, the action of
28 the governor in approving or vetoing a bill or the action of the legis-
29 lature 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 (9) "lobbyist" means a person who is employed and receives
4 payments, or who contracts for economic consideration, other than
5 reimbursement for reasonable travel expenses, to communicate directly or
6 through his agents with any public official or candidate for the purpose
7 of influencing legislative or administrative action if a substantial or
8 regular portion of the activities for which he receives consideration is
9 for the purpose of influencing legislative or administrative action or a
10 person who represents himself as engaging in that communication as a
11 business, occupation or profession;

12 (10) "payment" means the disbursement, distribution, transfer,
13 loan, advance, deposit, gift or other rendering or tendering of money,
14 property, goods or services or anything else of value, whether tangible
15 or intangible;

16 (11) "payment to influence legislative or administrative
17 action" means any of the following:

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

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

25 (C) a payment which directly benefits a public official
26 or candidate, or a member of the immediate family of that official
27 or candidate;

28 (D) a payment, including compensation, payment or re-
29 imbursement for the services, time or expenses of an employee for

1 or in connection with direct communication with a public official
2 or candidate;

3 (E) a payment for or in connection with soliciting or
4 urging other persons to enter into direct communication with a
5 public official or candidate;

6 (12) "person", in addition to the terms set out in AS 01.10.-
7 060(7), includes a labor union; and

8 (13) "public official" means the governor, lieutenant gover-
9 nor, governor-elect or lieutenant governor-elect, or a member or member-
10 elect of the legislature; or, an officer, employee, or member of an
11 agency or an employee of the legislature acting in the exercise of his
12 official duties or responsibilities, other than in a purely clerical or
13 manual capacity.

14 Sec. 24.45.221. SHORT TITLE. This chapter may be cited as the
15 Regulation of Lobbying Act.

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

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

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

24 * Sec. 5. This Act takes effect July 1, 1976. However, the initial re-
25 ports required under AS 24.45.051 - 24.45.091 are due for the reporting
26 period beginning January 1, 1977, and shall be filed not later than Febru-
27 ary 10, 1977.