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Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 522 (Judiciary) am

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 AS 24.45.010 - 24.45.150 are repealed.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; and that the people are entitled to know the identity,
21 income, expenditures and activities of those persons who pay or are
22 paid to engage in efforts to persuade members of the legislature or
23 officials or agencies in the executive branch to take specific actions.

24 ARTICLE 2. ADMINISTRATION.

25 Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be
26 administered by the Alaska Public Offices Commission created under
27 AS 15.13.020(a).

28 (b) The commission shall promulgate regulations under the Adminis-
29 trative Procedure Act (AS 44.62) to implement the provisions of this

1 chapter.

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

4 (1) prescribe the forms for registration, reports, state-
5 ments, notices and other documents required by this chapter;

6 (2) prepare and publish instructions setting out the methods
7 of accounting, bookkeeping and preservation of records required to
8 facilitate compliance with and enforcement of this chapter and explain-
9 ing the duties of persons subject to the provisions of this chapter;
10 the instructions shall be updated periodically;

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

13 (4) prepare and publish an annual report of its activities,
14 findings and recommendations under this chapter, which shall be made
15 available to the governor, legislature and to the public by February 1
16 of each calendar year;

17 (5) report suspected violations of this chapter to the
18 attorney general;

19 (b) The commission may

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

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

27 (3) prepare and publish periodic, but at least quarterly and
28 annually, summaries of the statements and reports received; these sum-
29 maries shall list separately individual lobbyists and employers of

1 lobbyists.

2 ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

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

7 (b) The registration form prescribed by the commission shall be
8 accompanied by four 2 1/2 inch by 2 1/2 inch black and white photographs
9 of himself which are not more than five years old and a written authori-
10 zation to act as a lobbyist from each person by whom he is employed or
11 with whom he contracts for lobbying services and shall include

12 (1) the lobbyist's full name and complete permanent residence
13 and business address and telephone number, as well as any temporary
14 residential and business address and telephone number in the state
15 capital during a legislative session;

16 (2) the full name and complete address of each person, as
17 prescribed in (1) of this subsection, by whom the lobbyist is retained
18 or employed;

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

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

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

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

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

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

11 (d) Within 45 days after the convening of each regular session of
12 the legislature, the commission shall publish a directory of registered
13 lobbyists, containing the photograph and the information prescribed in
14 (b) of this section for each lobbyist. From time to time thereafter the
15 commission shall publish those supplements to the directory that in the
16 commission's judgment may be necessary. The directory shall be made
17 available to public officials and to the public at the following loca-
18 tions: a public place adjacent to the legislative chambers in the state
19 capitol building, the office of the lieutenant governor, the legislative
20 reference library of the Legislative Affairs Agency and the commission's
21 central office.

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

29 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41

1 of this chapter shall file with the commission a report concerning his
2 activities during each reporting period prescribed in sec. 101 of this
3 chapter, so long as the lobbyist continues to engage in lobbying activi-
4 ties. The report shall be made on a form prescribed by the commission
5 and filed in accordance with secs. 91 and 101 of this chapter. The
6 report also shall include any changes in the information required to be
7 supplied under sec. 41(b) of this chapter and the following information
8 for the reporting period, as applicable:

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

17 (2) the aggregate amount of disbursements or expenditures
18 made or incurred during the period in support of or in connection with
19 influencing legislative or administrative action by the lobbyist, or on
20 behalf of the lobbyist by his employer in the following categories:

21 (A) food and beverages; in this category of disburse-
22 ments or expenditures, if more than \$100 a month in the aggregate
23 is disbursed or expended on behalf of any one public official or
24 candidate, the full name of the person and his official position,
25 if any, who received the food or beverages and the amount paid for
26 each person shall be stated;

27 (B) living accommodations;

28 (C) travel;

29 (3) the date and nature of any gift exceeding \$10 in value

1 made to a public official or candidate and the full name and official
2 position of that person;

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

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

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

20 (7) a notice of termination if the lobbyist has ceased the
21 lobbying activity which required his registration under this chapter
22 and if this report constitutes the final report of his activities.

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

1 quarterly report containing

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

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

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

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

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

18 (D) if the maker is none of those listed in (A) - (C)
19 of this paragraph, a statement of the person's nature and purposes
20 including a description of any industry, trade, profession or other
21 group with a common economic interest which the person principally
22 represents or from which its membership or financial support is
23 principally derived; however, the information required by (A) - (D)
24 of this paragraph need be stated only in the first report filed
25 during a calendar year, except that subsequent reports must reflect
26 changes in this information previously reported;

27 (3) the total amount of payments made to influence legis-
28 lative or administrative action during the period, and the name and
29 address of each person to whom these payments in an aggregate amount or

1 value of \$100 or more have been made during the period by the maker of
2 the report, together with the date, amount and a description of the
3 consideration received for each expenditure, and the full name of the
4 beneficiary of each expenditure if other than the maker or the payee;

5 (4) the name and official position of each public official or
6 candidate 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 a public
13 official or candidate is a proprietor, partner, director, officer,
14 manager or has more than a 50 per cent ownership interest, with whom the
15 person making the report has engaged in an exchange or exchanges of
16 money, goods, services or anything of value and the nature and date of
17 each exchange and the monetary value exchanged, if the total value of
18 the exchange or exchanges is \$500 or more in a calendar year;

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

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

26 (8) a specific description of legislative or administrative
27 action which the person making the report has attempted to influence;

28 (9) the name of each lobbyist employed or retained by the
29 person making the report, together with the total amount paid to each

1 lobbyist and the portion of that amount, if any, which was paid for
2 specific purposes, including salary, fees, and reimbursement for ex-
3 penses, in the categories set out in sec. 51(2) of this chapter;

4 (10) a notice of termination if the person filing a report
5 has ceased employing or retaining a lobbyist registered under this
6 chapter and if this report constitutes the final report of the lobby-
7 ist's activities on behalf of the maker of the report; and

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

10 Sec. 24.45.071. REPORTS BY PUBLIC OFFICIALS, CANDIDATES. (a)
11 Each public official or candidate shall file with the commissioner a
12 form prescribed by it a report for the periods required under sec. 101
13 of this chapter disclosing the following information for the preceding
14 calendar month or quarter, as applicable:

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

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

22 (b) If during a reporting period prescribed in sec. 101 of this
23 chapter, the public official or candidate has not received any of the
24 items described in (a)(1) - (2) of this section, he need not file a
25 report required under (a) of this section. The nonfiling of a report
26 for the reporting period constitutes a "zero report" for that period.

27 Sec. 24.45.081. DISCLOSURE OF CERTAIN RELATIONSHIPS REQUIRED. If
28 a person registered, or required to be registered, as a lobbyist under
29 this chapter, or a person who employs or retains a lobbyist, employs or

1 retains a public official or candidate, and if that official or candi-
2 date remains in the partial or full-time employ of the state or an
3 agency of it, the lobbyist, or employer of a lobbyist, shall file a
4 statement with the commission setting out the name, address and offi-
5 cial position of the person employed, retained or paid, the nature of
6 the employment and the amount of pay or consideration to be paid. The
7 statement shall be filed within 10 days after the beginning of that
8 employment or the assumption of public office or employment.

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

14 Sec. 24.45.101. REPORTING PERIODS. Reports required under this
15 chapter shall be filed by the 10th day of the calendar month following
16 each calendar month during any part of which the legislature was in
17 session and by the 10th day of the month following each calendar quarter
18 when the legislature was not in session. However, if a lobbyist regis-
19 tered under this chapter has declared that he seeks only to influence
20 administrative action and not legislative action he need only file a
21 report required under this chapter for each calendar quarter. If a
22 public official or candidate for elective public office who is subject
23 to the provisions of sec. 71 of this chapter is an officer or employee
24 of an agency in the executive branch, or a candidate for elective public
25 office in that branch, he need only file a report required under that
26 section for each calendar quarter. The period covered shall be the
27 calendar month or the calendar quarter, as applicable, and shall in any
28 event cover the period from the date of the last report filed under
29 this chapter to the date of the end of the calendar month or quarter,

1 as applicable, for which the report is being filed. The period covered
2 shall not include any months covered in previous reports filed by the
3 same person. When total amounts are required to be reported, totals
4 shall be stated both for the period covered by the statement and for
5 the entire calendar year to date.

6 Sec. 24.45.111. PUBLICATION OF REPORTS. Copies of the statements
7 and reports filed under this chapter shall be made available to the
8 public at the commission's central office, the office of the lieutenant
9 governor, the legislative reference library of the Legislative Affairs
10 Agency, and at the commission's district offices prescribed in AS 15.-
11 13.020(j) as soon as practicable after each reporting period.

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

17 Sec. 24.45.131. PRESERVATION OF RECORDS. (a) A person required
18 to register or report as a lobbyist or as an employer of a lobbyist
19 shall preserve all accounts, bills, receipts, books, papers and docu-
20 ments necessary to substantiate the reports required to be made and
21 filed under this chapter for a period of at least six years from the
22 date of the filing of the report containing these items. These ac-
23 counts, bills, receipts, books, papers and other documents shall be
24 made available for inspection by the commission, or members of its
25 staff, at any time. If a lobbyist is required under the terms of his
26 employment contract to turn any records over to his employer, responsi-
27 bility for the preservation of these records under this section rests
28 with the employer.

29 (b) The commission shall preserve the statements and reports

1 required to be filed under this chapter for a period of six years from
2 the date of filing. If the commission's central office is not in the
3 state capital, copies of all statements and reports filed under this
4 chapter shall be maintained in an office established by the commission
5 in the state capital or in the office of the lieutenant governor.

6 ARTICLE 4. ENFORCEMENT.

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

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

10 (2) do anything with the intent of placing a public official
11 or candidate under personal obligation to him or to his employer;

12 (3) intentionally deceive or attempt to deceive any public
13 official or candidate, with regard to any material fact pertinent to
14 pending or proposed legislative or administrative action;

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

18 (5) cause a communication to be sent to a public official or
19 candidate, in the name of any fictitious person or in the name of any
20 real person, except with the consent of that person;

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

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

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

28 (c) No person may employ for pay or any consideration, or pay or
29 agree to pay consideration to, a person to lobby who is not registered

1 under of this chapter except upon condition that the person register and
2 that person does in fact so register as soon as practicable after being
3 employed to lobby.

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

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

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

18 (b) The commission shall conduct an investigation, and may there-
19 after conduct a hearing, into an allegation under (a)(2) of this
20 section.

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

24 Sec. 24.45.161. CIVIL PENALTIES. (a) If a lobbyist violates any
25 of the applicable provisions of this chapter, his registration creden-
26 tials may be suspended or revoked by the commission after a hearing,
27 and he may be enjoined by the superior court from receiving compensation
28 or making disbursements or expenditures for lobbying activities.

29 However, the imposition of sanctions or penalties under this section or

1 sec. 171 or 181 of this chapter does not excuse the lobbyist, employer
2 of a lobbyist, or sponsor from filing statements or reports required by
3 this chapter.

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

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

16 (d) A person who fails to report payments, compensation, gifts,
17 contributions, or expenditures required to be reported under this
18 chapter is subject to a civil penalty of up to three times the amount he
19 failed to report. A person who pays, receives or accepts the prohibited
20 compensation or who makes, receives or accepts a prohibited gift, con-
21 tribution or expenditure is subject to a civil penalty of up to three
22 times the prohibited or unlawful amount.

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

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

29 Sec. 24.45.181. CRIMINAL PENALTIES. (a) An individual who

1 knowingly violates any provisions of this chapter, whether acting for
2 himself, on behalf of an employer or in concert with other persons, or
3 who knowingly causes, participates in, aids, abets, ratifies or confirms
4 any violation of a provision of this chapter is, upon conviction,
5 punishable by a fine of not more than \$1,000, or by imprisonment for
6 not more than one year, or by both.

7 (b) A person, other than an individual, who knowingly violates
8 any provision of this chapter, whether acting for himself, on behalf of
9 an employer or in concert with other persons, or who knowingly causes,
10 participates in, aids, abets, ratifies or confirms any violation of a
11 provision of this chapter is, upon conviction, punishable by a fine of
12 not more than \$10,000 for each offense.

13 ARTICLE 5. GENERAL PROVISIONS.

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

15 (1) an individual

16 (A) who lobbies without payment of compensation or
17 other consideration; or

18 (B) who limits his lobbying activities to appearances
19 before public sessions of the legislature, or its committees or
20 subcommittees, or to public hearings or other public proceedings
21 of state agencies;

22 (2) an elected state or municipal public officer or an em-
23 ployee of the state or a municipality acting in his official capacity
24 or within the scope of his employment, except as provided in sec. 71 of
25 this chapter;

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

1 comments, or paid advertisements, which directly or indirectly urge
2 legislative or administrative action if the newspaper, periodical, book
3 publisher, radio or television station or individual engages in no
4 further or other activities in connection with urging or advocating
5 legislative or administrative action other than to appear before public
6 sessions of the legislature, or its committees or subcommittees, or
7 public hearings or other public proceedings of state agencies;

8 (4) a person who appears before the legislature or either
9 house, or standing, special or interim committee, in response to an in-
10 vitation issued under (c) of this section.

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

21 (c) Either house of the legislature by resolution, or both houses
22 of the legislature by concurrent resolution may invite a person to
23 appear to speak before the legislature or either house with reference
24 to any pending matter. A standing, special or interim committee of
25 either house of the legislature may, upon the concurrence of a majority
26 of its members, extend a written invitation to any person to appear
27 before the committee to give information in regard to, or explain, any
28 matter pending before the committee.

29 Sec. 24.45.201. DEFINITIONS. In this chapter

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

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

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

23 (4) "gift"

24 (A) means any payment to the extent that consideration
25 of equal or greater value is not received;

26 (B) includes but is not limited to:

27 (i) a loan, loan guarantee, forgiveness of a loan,
28 payment of a loan by a third party, or an enforceable promise
29 to make a payment except when full and adequate consideration

1 is received;

2 (ii) the purchase of tickets for travel or for en-
3 tertainment events; and

4 (iii) the granting of discounts or rebates for goods
5 or services not extended to the public generally;

6 (C) does not include:

7 (i) informational or promotional materials, includ-
8 ing but not limited to books, reports, pamphlets, calendars
9 or periodicals; however, payments for travel or reimbursement
10 for expenses may not be considered "informational material";

11 (ii) food and beverages consumed in places of public
12 accommodation.

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

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

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

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

1 lature in considering, overriding or sustaining that veto and the
2 action of the legislature in considering, confirming or rejecting an
3 executive appointment of the governor;

4 (9) "lobbyist" means a person who is employed and receives
5 payments, or who contracts for economic consideration, other than
6 reimbursement for reasonable travel and his living expenses, to communi-
7 cate directly or through his agents with any public official or candidate
8 for the purpose of influencing legislative or administrative action if a
9 substantial or regular portion of the activities for which he receives
10 consideration is for the purpose of influencing legislative or adminis-
11 trative action or a person who represents himself as engaging in that
12 communication as a business, occupation or profession;

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

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

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

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

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

29 (D) a payment, including compensation, payment or re-

1 imbursement for the services, time or expenses of an employee for
2 or in connection with direct communication with a public official
3 or candidate;

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

7 (12) "person", in addition to the terms set out in AS 01.10.-
8 060(7), includes a labor union; and

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

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(8) is amended to read:

18 (8) examine, investigate and compare all reports, statements
19 and actions required by this chapter, AS 24.45 and AS 39.50 and to
20 report to the attorney general the names of all persons or groups which
21 the commission has substantial reason to believe have violated this
22 chapter;

23 * Sec. 4. AS 15.13.030(10) is amended to read:

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

27 * Sec. 5. AS 39.50.030 is amended by adding a new subsection to read:

28 (d) Each statement filed by a public official, or a candidate for
29 elective public office, as defined in AS 24.45.191(13), who (1) is

1 subject to this chapter, (2) is employed or retained by a lobbyist or
2 employer of a lobbyist subject to AS 24.45 (Regulation of Lobbying),
3 and (3) is in the partial or full-time employ of the state or an agency
4 of it, shall include in the statement filed under this chapter the
5 name, address and official position of the lobbyist or employer of the
6 lobbyist who has employed, retained or paid that public official or
7 candidate, the nature of the employment and the amount of pay or con-
8 sideration to be paid.

9 * Sec. 6. Records, papers, documents or other materials relating to the
10 administration of AS 24.45 before July 1, 1976 shall be transferred from the
11 Department of Administration to the Alaska Public Offices Commission on July
12 1, 1976.

13 * Sec. 7. This Act takes effect July 1, 1976. However, the initial re-
14 ports required under AS 24.45.051 - 24.45.091 are due for the reporting
15 period beginning January 1, 1977, and shall be filed not later than Febru-
16 ary 10, 1977.