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1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 SENATE CS FOR 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 AS 24.45.010 - 24.45.150 are repealed.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; and that the people are entitled to know the identity,
21 income, expenditures and activities of those persons who pay, are paid
22 or reimbursed for expenses, or who make expenditures or other payments
23 in an effort to influence legislative or administrative action.

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, publish, and make available to the public,
28 periodic, but at least quarterly and annually, summaries of the state-
29 ments and reports received; these summaries shall list separately

1 individual lobbyists and employers of lobbyists.

2 ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

3 Sec. 24.45.041. REGISTRATION. (a) Before engaging in lobbying, a
4 lobbyist shall file a registration statement on a form prescribed by the
5 commission.

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

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

15 (2) the full name and complete address of each person by whom
16 the lobbyist is retained or employed;

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

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

24 (5) the nature or form of the lobbyist's compensation for
25 engaging in lobbying, including salary, fees or reimbursement for
26 expenses received in consideration for, or directly in support of or in
27 connection with, the influencing of legislative or administrative
28 action;

29 (6) a general description of the subjects or matters on which

1 the registrant expects to lobby or to engage in the influencing of
2 legislative or administrative action;

3 (7) the full name and complete address of the person, if
4 other than the registrant, who has custody of the accounts, books,
5 papers, bills, receipts and other documents required to be maintained
6 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 before engaging in lobbying. The lobbyist also shall file
25 any reports or statements he has failed to file for a previous reporting
26 period. The commission may not renew lobbying credentials until this
27 provision is complied with.

28 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41
29 of this chapter shall file with the commission a report concerning his

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

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

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

19 (A) food and beverages;

20 (B) living accommodations;

21 (C) travel;

22 (3) the date and nature of any gift exceeding \$50 in value
23 made to a public official and the full name and official position of
24 that person;

25 (4) the name and official position of each public official,
26 and the name of each member of the immediate family of any of these
27 officials, with whom the lobbyist has engaged in an exchange of money,
28 goods, services or anything of more than \$50 in value and the nature and
29 date of each of these exchanges and the monetary values exchanged;

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

9 (6) a notice of termination if the lobbyist has ceased the
10 lobbying activity which required his registration under this chapter and
11 if this report constitutes the final report of his activities.

12 Sec. 24.45.061. REPORTS BY EMPLOYERS OF LOBBYISTS, OTHER PERSONS.
13 A person who employs, retains or who contracts for the services of one
14 or more lobbyists whether independently or jointly with other persons,
15 or any other person who is not registered as a lobbyist under this
16 chapter but who attempts by directly or indirectly making payments, to
17 influence legislative or administrative action, shall file a quarterly
18 report containing

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

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

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

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

29 (C) if the maker is an industry, trade or professional

1 association, a description of the industry, trade or profession
2 including a specific description of any portion or faction of the
3 industry, trade or profession which the association exclusively or
4 primarily represents and, if the association has less than 50
5 members, the names of the members; or

6 (D) if the maker is none of those listed in (A) - (C)
7 of this paragraph, a statement of the person's nature and purposes
8 including a description of any industry, trade, profession or other
9 group with a common interest which the person principally repre-
10 sents or from which its membership or financial support is prin-
11 cipally derived; however, the information required by (A) - (D) of
12 this paragraph need be stated only in the first report filed
13 during a calendar year, except that subsequent reports must reflect
14 changes in this information previously reported;

15 (3) the total amount of payments made to influence legis-
16 lative or administrative action during the period, and the name
17 and address of each person to whom these payments have been made
18 during the period by the maker of the report, together with the date
19 and amount;

20 (4) a verification of the information contained in a report
21 filed under sec. 51 of this chapter by a lobbyist employed or retained
22 by the person making the report;

23 (5) the date and nature of any gift exceeding \$50 in value
24 made to any public official and the full name and official position of
25 the recipient of each gift;

26 (6) a general description of legislative or administra-
27 tive action which the person making the report has attempted to
28 influence;

29 (7) the name of each lobbyist employed or retained by the

1 person making the report, together with the total amount paid to each
2 lobbyist and the portion of that amount, if any, which was paid for
3 specific purposes, including salary, fees, and reimbursement for ex-
4 penses, in the categories set out in sec. 51(2) of this chapter; a
5 person, other than the registered lobbyist or employer of a lobbyist,
6 who makes direct or indirect payments to influence legislative or
7 administrative action shall list the amount paid for expenses in the
8 categories set out in sec. 51(2) of this chapter;

9 (8) a notice of termination if the person filing a report has
10 ceased employing or retaining a lobbyist registered under this chapter
11 and if this report constitutes the final report of the lobbyist's
12 activities on behalf of the maker of the report; and

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

15 Sec. 24.45.071. REPORTS BY PUBLIC OFFICIALS. (a) Each public
16 official shall file with the commission, on a form prescribed by
17 it, a report for the periods required under sec. 101 of this chapter
18 disclosing for the preceding calendar month or quarter, as appli-
19 cable, the date, nature and source of any gift exceeding \$50 in
20 value received by the public official from a lobbyist or employer of a
21 lobbyist.

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

1 or retains a public official, and if that official remains in the
2 partial or full-time employ of the state or an agency of it, the lob-
3 byist, or employer of a lobbyist, if either has personal knowledge of
4 the employment or retention, shall file a statement with the com-
5 mission setting out the name, address and official position of the
6 person employed, retained or paid, the nature of the employment and
7 the amount of pay or consideration to be paid. The statement shall
8 be filed within 10 days after the beginning of that employment
9 or the assumption of public office or employment.

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

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

1 quarter, as applicable, for which the report is being filed. The period
2 covered shall not include any months covered in previous reports filed
3 by the same person. When total amounts are required to be reported,
4 totals shall be stated both for the period covered by the statement and
5 for 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 one year from the date
22 of the filing of the report containing these items. These accounts,
23 bills, receipts, books, papers and other documents shall be made avail-
24 able for inspection by the commission, or members of its staff, at any
25 time. If a lobbyist is required under the terms of his employment
26 contract to turn any records over to his employer, responsibility for
27 the preservation of these records under this section rests with the
28 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
2 from the date of filing. If the commission's central office is not
3 in the state capital, copies of all statements and reports filed
4 under this chapter shall be maintained in an office established by
5 the commission in the state capital or in the office of the lieutenant
6 governor.

7 ARTICLE 4. ENFORCEMENT.

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

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

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

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

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

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

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

25 (b) No person may employ for pay or any consideration, or
26 pay or agree to pay consideration to, a person to lobby who is not
27 registered under sec. 41 of this chapter unless that person registers
28 and that person does in fact so register before engaging in
29 lobbying.

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

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

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

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

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

20 Sec. 24.45.161. CIVIL PENALTIES. (a) If a lobbyist violates any
21 of the applicable provisions of this chapter, his registration creden-
22 tials may be suspended or revoked by the commission after a hearing, and
23 he may be enjoined by the superior court from receiving compensation or
24 making disbursements or expenditures for lobbying activities. However,
25 the imposition of sanctions or penalties under this section or sec. 171
26 of this chapter does not excuse the lobbyist, employer of a lobbyist, or
27 other person subject to this chapter from filing required statements or
28 reports.

29 (b) In addition to the penalties or sanctions prescribed in (a) of

1 this section or in sec. 171 of this chapter, a person who fails to
2 register or to make or file required reports under secs. 41 - 91 of this
3 chapter, or to otherwise comply with the provisions of this chapter, is
4 liable in a civil action to the state for a sum to be assessed by the
5 court of not less than \$1,000 nor more than \$10,000 and which shall
6 reflect, when applicable,

7 (1) reasonable compensation in the nature of liquidated
8 damages according to the benefit received by the lobbyist, employer of a
9 lobbyist, public official or other person in not registering, or in not
10 making or filing required reports, as applicable, or otherwise failing
11 to comply with the provisions of this chapter; or

12 (2) reasonable costs incurred by the state in detection,
13 investigation, and attempted correction of the violation.

14 (c) Action under (b) of this section may not be used for punitive
15 purposes and sums assessed by the court must be compensatory or remedial
16 in nature.

17 (d) Each day on which a violation of this chapter occurs, or a
18 delinquency continues, constitutes a separate violation.

19 Sec. 24.45.171. CRIMINAL PENALTIES. (a) An individual who
20 knowingly violates any provisions of this chapter, whether acting for
21 himself, on behalf of an employer or in concert with other persons, is,
22 upon conviction, punishable by a fine of not more than \$1,000, or by
23 imprisonment for not more than one year, or by both.

24 (b) An individual who knowingly causes, participates in, aids,
25 abets, ratifies or confirms any violation of a provision of this chapter
26 is, upon conviction, punishable by a fine of not more than \$1,000, or by
27 imprisonment for not more than one year, or by both.

28 (c) A person, other than an individual, who knowingly violates any
29 provision of this chapter, whether acting for himself, on behalf of an

1 employer or in concert with other persons, or who knowingly causes,
2 participates in, aids, abets, ratifies or confirms any violation of a
3 provision of this chapter is, upon conviction, punishable by a fine of
4 not more than \$10,000 for each offense.

5 ARTICLE 5. GENERAL PROVISIONS.

6 Sec. 24.45.181. EXEMPTIONS. (a) This chapter does not apply to

7 (1) an individual

8 (A) who lobbies without payment of compensation or other
9 consideration and makes no disbursement or expenditure for or on
10 behalf of a public official to influence legislative or administra-
11 tive action other than to pay his reasonable personal travel and
12 living expenses; and

13 (B) who limits his lobbying activities to appearances
14 before public sessions of the legislature, or its committees or
15 subcommittees, or to public hearings or other public proceedings of
16 state agencies;

17 (2) an elected or appointed state or municipal public officer
18 or an employee of the state or a municipality acting in his official
19 capacity or within the scope of his employment, except as provided in
20 sec. 71 of this chapter; however, a state or municipal officer or
21 employee who makes direct or indirect payments, or who is reimbursed for
22 expenses, to influence legislative or administrative action in the
23 categories set out in sec. 51(2) of this chapter shall register and
24 report as a lobbyist under secs. 41 and 51 of this chapter, and the
25 public officer or employee's employing governmental agency or other
26 entity shall report under sec. 61 of this chapter;

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 or

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

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

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

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

1 (d) An individual exempt from this chapter under (a)(1) of this
2 section may, at his option, register and report under this chapter.

3 Sec. 24.45.191. DEFINITIONS. In this chapter

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

10 (2) "agency" means a state department, division, commission,
11 board, office, bureau, institution, corporation, authority, organiza-
12 tion, committee, council or board in the executive branch, or indepen-
13 dent of the executive branch, of state government;

14 (3) "gift"

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

17 (B) includes but is not limited to:

18 (i) a loan, loan guarantee, forgiveness of a loan,
19 payment of a loan by a third party, or an enforceable promise
20 to make a payment except when full and adequate consideration
21 is received;

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

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

26 (C) does not include:

27 (i) informational or promotional materials, includ-
28 ing but not limited to books, reports, pamphlets, calendars or
29 periodicals; however, payments for travel or reimbursement for

1 expenses may not be considered "informational material";

2 (ii) food and beverages consumed in places of public
3 accommodation;

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

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

7 (6) "influencing legislative or administrative action" means
8 promoting, advocating, supporting, modifying, opposing or delaying or
9 seeking to do the same with respect to any legislative or administrative
10 action by means including but not limited to the provision or use of
11 information, statistics, studies, analyses in written or oral form or
12 format;

13 (7) "legislative action" means the preparation, research,
14 drafting, introduction, consideration, modification, amendment, approv-
15 al, passage, enactment, defeat or rejection of any bill, resolution,
16 amendment, motion, report, nomination, appointment or other matter by
17 the legislature, or by a standing, interim or special committee of the
18 legislature, or by a member or employee of the legislature acting in his
19 official capacity; it includes, but is not limited to, the action of the
20 governor in approving or vetoing a bill or the action of the legis-
21 lature in considering, overriding or sustaining that veto and the
22 action of the legislature in considering, confirming or rejecting an
23 executive appointment of the governor;

24 (8) "lobbyist" means

25 (A) a person who is employed and receives payments, or
26 who contracts for economic consideration, including reimbursement
27 for reasonable travel and living expenses, to communicate directly
28 or through his agents with any public official for the purpose of
29 influencing legislative or administrative action if a substantial

1 or regular portion of the activities for which he receives con-
2 sideration is for the purpose of influencing legislative or ad-
3 ministrative action; or

4 (B) a person who represents himself as engaging in the
5 influencing of legislative or administrative action as a business,
6 occupation or profession;

7 (9) "payment" means the disbursement, distribution, transfer,
8 loan, advance, deposit, gift or other rendering or tendering of money,
9 property, goods or services or anything else of value;

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

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

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

19 (C) a payment which directly benefits a public official
20 or a member of the immediate family of that official;

21 (D) a payment, including compensation, payment or re-
22 imbursement for the services, time or expenses of an employee for
23 or in connection with direct communication with a public official;

24 (E) a payment for or in connection with soliciting or
25 urging other persons to enter into direct communication with a
26 public official;

27 (F) a payment or reimbursement for expenses in the
28 categories set out in sec. 51(2) of this chapter;

29 (11) "person", in addition to the terms set out in AS 01.10.-

1 060(7), includes a labor union; and

2 (12) "public official" or "public office" means a public
3 official or public office as defined in AS 39.50.200(1); however, it
4 does not include a judicial officer or an elected or appointed municipal
5 officer except as provided in sec. 181(2) of this chapter.

6 Sec. 24.45.201. SHORT TITLE. This chapter may be cited as the
7 Regulation of Lobbying Act.

8 * Sec. 3. AS 15.13.030(8) is amended to read:

9 (8) examine, investigate and compare all reports, statements
10 and actions required by this chapter, AS 24.45 and AS 39.50 and to
11 report to the attorney general the names of all persons or groups which
12 the commission has substantial reason to believe have violated this
13 chapter;

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

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

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

19 (d) Each statement filed by a public official, as defined in
20 AS 24.45.191(12), who (1) is subject to this chapter, (2) is employed or
21 retained by a lobbyist or employer of a lobbyist subject to AS 24.45
22 (Regulation of Lobbying), and (3) is in the partial or full-time employ
23 of the state or an agency of it, shall include in the statement filed
24 under this chapter the name, address and official position of the
25 lobbyist or employer of the lobbyist who has employed, retained or paid
26 that public official, the nature of the employment and the amount of pay
27 or consideration to be paid.

28 * Sec. 6. AS 39.50.050 is amended by adding a new subsection to read:

29 (d) To facilitate the filing of reports under AS 24.25 (Regulation

1 of Lobbying) and the information required to be provided under AS 24.45.
2 051(4) and (5), the commission shall publish copies of the reports
3 required under this chapter not later than the convening of each regular
4 session of the legislature. Copies of this publication shall be pro-
5 vided on request; however, the commission may make a charge for the
6 publication which may not exceed the actual cost of printing, postage
7 and handling.

8 * Sec. 7. Records, papers, documents or other materials relating to the
9 administration of AS 24.45 before July 1, 1976 shall be transferred from the
10 Department of Administration to the Alaska Public Offices Commission on
11 July 1, 1976.

12 * Sec. 8. This Act takes effect July 1, 1976. However, the initial re-
13 ports required under AS 24.45.051 - 24.45.091 are due for the reporting
14 period beginning January 1, 1977, and shall be filed not later than Febru-
15 ary 10, 1977.