

Original sponsors: Parker, Bradley,
Gardiner, et al

Offered: 5/7/76
Referred: Rules

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 522 am S

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 AS 24.45.010 - 24.45.150 are repealed.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
7 include

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

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

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

19 (4) the nature or form of the lobbyist's compensation for
20 engaging in lobbying, including salary, fees or reimbursement for
21 expenses received in consideration for, or directly in support of or in
22 connection with, the influencing of legislative or administrative
23 action;

24 (5) a general description of the subjects or matters on which
25 the registrant expects to lobby or to engage in the influencing of
26 legislative or administrative action;

27 (6) the full name and complete address of the person, if
28 other than the registrant, who has custody of the accounts, books,
29 papers, bills, receipts and other documents required to be maintained

1 under this chapter.

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

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

17 (e) Each lobbyist shall renew his registration annually by filing
18 a new registration statement together with a new authorization to act as
19 a lobbyist before engaging in lobbying. The lobbyist also shall file
20 any reports or statements he has failed to file for a previous reporting
21 period. The commission may not renew lobbying credentials until this
22 provision is complied with.

23 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41
24 of this chapter shall file with the commission a report concerning his
25 activities during each reporting period prescribed in sec. 71 of this
26 chapter, so long as the lobbyist continues to engage in lobbying activi-
27 ties. The report shall be made on a form prescribed by the commission
28 and filed in accordance with secs. 61 and 71 of this chapter. The
29 report also shall include any changes in the information required to be

1 supplied under sec. 41(b) of this chapter and the following information
2 for the reporting period, as applicable:

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

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

14 (A) food and beverages;

15 (B) living accommodations;

16 (C) travel;

17 (3) the date and nature of any gift exceeding \$100 in value
18 made to a public official and the full name and official position of
19 that person;

20 (4) the name and official position of each public official,
21 and the name of each member of the immediate family of any of these
22 officials, with whom the lobbyist has engaged in an exchange of money,
23 goods, services or anything of more than \$100 in value and the nature and
24 date of each of these exchanges and the monetary values exchanged;

25 (5) the name and address of any business entity in which
26 the lobbyist knows or has reason to know that a public official is a
27 proprietor, partner, director, officer or manager, or has a controlling
28 interest, with whom the lobbyist has engaged in an exchange of money,
29 goods, services, or anything of value and the nature and date of each

1 exchange and the monetary value exchanged if the total value of these
2 exchanges is \$100 or more in a calendar year; and

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

6 Sec. 24.45.061. CERTIFICATION OF REPORTS. Every statement or
7 report required to be filed under this chapter shall identify the
8 full name of the person preparing it, his complete address and
9 telephone number, and shall be certified as complete and correct,
10 both by the person preparing it and by the person on whose behalf
11 it is filed.

12 Sec. 24.45.071. REPORTING PERIODS. Reports required under this
13 chapter shall be filed during the calendar month following each calendar
14 month during any part of which the legislature was in session and during
15 the month following each calendar quarter when the legislature was not
16 in session. However, if a lobbyist registered under this chapter has
17 declared that he seeks only to influence administrative action and not
18 legislative action he need only file a report required under this
19 chapter for each calendar quarter. The period covered shall be the
20 calendar month or the calendar quarter, as applicable, and shall in any
21 event cover the period from the date of the last report filed under this
22 chapter to the date of the end of the calendar month or quarter, as
23 applicable, for which the report is being filed. The period covered
24 shall not include any months covered in previous reports filed by the
25 same person. When total amounts are required to be reported, totals
26 shall be stated both for the period covered by the statement and for the
27 entire calendar year to date.

28 Sec. 24.45.081. PUBLICATION OF REPORTS. Copies of the statements
29 and reports filed under this chapter shall be made available to the

1 public at the commission's central office, the office of the lieutenant
2 governor, the legislative reference library of the Legislative Affairs
3 Agency, and at the commission's district offices prescribed in AS 15.-
4 13.020(j) as soon as practicable after each reporting period.

5 Sec. 24.45.091. PUBLIC RECORDS. Statements and reports filed
6 under this chapter are public records and shall be available for public
7 inspection and copying during normal business hours at the expense of
8 the person requesting copies; however, the charge for copying may not
9 exceed actual cost to the commission.

10 Sec. 24.45.101. PRESERVATION OF RECORDS. (a) A person required
11 to register or report as a lobbyist shall preserve all accounts, bills,
12 receipts, books, papers and documents necessary to substantiate the
13 reports required to be made and filed under this chapter for a period of
14 at least one year from the date of the filing of the report containing
15 these items. These accounts, bills, receipts, books, papers and other
16 documents shall be made available for inspection by the commission, or
17 members of its staff, at any time. If a lobbyist is required under the
18 terms of his employment contract to turn any records over to his employ-
19 er, responsibility for the preservation of these records under this
20 section rests with the employer.

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

28 ARTICLE 4. ENFORCEMENT.

29 Sec. 24.45.111. PROHIBITIONS. (a) No lobbyist may

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

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

5 (3) intentionally deceive or attempt to deceive any public
6 official with regard to any material fact pertinent to pending or
7 proposed legislative or administrative action;

8 (4) cause or influence the introduction of a legislative
9 measure for the purpose of thereafter being employed to secure its
10 defeat;

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

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

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

21 Sec. 24.45.121. EXAMINATION OF STATEMENTS, REPORTS. (a) The
22 commission or its staff shall examine each statement or report filed
23 under this chapter within 10 days after the date it is filed. A person
24 required to file a statement or report under this chapter shall be noti-
25 fied immediately if

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

29 (2) a written complaint is filed with the commission by any

1 qualified voter alleging that a statement or report filed with the
2 commission does not conform to the requirements of this chapter, or to
3 the truth, or that a person subject to the provisions of this chapter
4 has failed to file a statement or report in the manner prescribed by
5 this chapter.

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

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

11 Sec. 24.45.131. CRIMINAL PENALTIES. (a) An individual who
12 knowingly violates any provisions of this chapter, whether acting for
13 himself, on behalf of an employer or in concert with other persons, is,
14 upon conviction, punishable by a fine of not more than \$1,000, or by
15 imprisonment for not more than one year, or by both.

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

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

26 ARTICLE 5. GENERAL PROVISIONS.

27 Sec. 24.45.141. EXEMPTIONS. (a) This chapter does not apply to

28 (1) an individual

29 (A) who lobbies without payment of compensation or other

1 consideration and makes no disbursement or expenditure for or on
2 behalf of a public official to influence legislative or administra-
3 tive action other than to pay his reasonable personal travel and
4 living expenses; and

5 (B) who limits his lobbying activities to appearances
6 before public sessions of the legislature, or its committees or
7 subcommittees, or to public hearings or other public proceedings of
8 state agencies;

9 (2) an elected or appointed state or municipal public officer
10 or an employee of the state or a municipality acting in his official
11 capacity or within the scope of his employment; however, a state or
12 municipal officer or employee who makes direct or indirect payments, or
13 who is reimbursed for expenses, to influence legislative or administra-
14 tive action in the categories set out in sec. 51(2) of this chapter
15 shall register and report as a lobbyist under secs. 41 and 51 of this
16 chapter;

17 (3) any newspaper or other periodical of general circulation,
18 book publisher, radio or television station (including an individual who
19 owns, publishes or is employed by that newspaper or periodical, radio or
20 television station) which publishes news items, editorials or other
21 comments, or paid advertisements, which directly or indirectly urge
22 legislative or administrative action if the newspaper, periodical, book
23 publisher, radio or television station or individual engages in no
24 further or other activities in connection with urging or advocating
25 legislative or administrative action other than to appear before public
26 sessions of the legislature, or its committees or subcommittees, or
27 public hearings or other public proceedings of state agencies;

28 (4) a person who appears before the legislature or either
29 house, or standing, special or interim committee, in response to an in-

1 vitation issued under (c) of this section.

2 (b) Nothing in this chapter may be construed as prohibiting or
3 affecting the rendering of professional services in drafting legislative
4 measures or in advising clients and in rendering opinions as to the
5 construction or effect of proposed or pending legislative or adminis-
6 trative action when these professional services are not otherwise
7 connected with influencing or attempting to influence legislative or
8 administrative action. Nor does anything in this chapter prevent
9 members of the legislature from discussing with constituents the ad-
10 visability of passing legislation then pending before, or proposed to be
11 presented to, the legislature.

12 (c) Either house of the legislature by resolution, or both houses
13 of the legislature by concurrent resolution, may invite a person to
14 appear to speak before the legislature or either house with reference to
15 any pending matter. A standing, special or interim committee of either
16 house of the legislature may, upon the concurrence of a majority of its
17 members, extend an invitation to any person to appear before the com-
18 mittee to give information in regard to, or explain, any matter pending
19 before the committee.

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

22 Sec. 24.45.151. DEFINITIONS. In this chapter

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

29 (2) "agency" means a state department, division, commission,

1 board, office, bureau, institution, corporation, authority, organiza-
2 tion, committee, council or board in the executive branch, or indepen-
3 dent of the executive branch, of state government;

4 (3) "gift"

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

7 (B) includes but is not limited to:

8 (i) a loan, loan guarantee, forgiveness of a loan,
9 payment of a loan by a third party, or an enforceable promise
10 to make a payment except when full and adequate consideration
11 is received;

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

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

16 (C) does not include:

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

21 (ii) food and beverages consumed in places of public
22 accommodation;

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

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

26 (6) "influencing legislative or administrative action" means
27 promoting, advocating, supporting, modifying, opposing or delaying or
28 seeking to do the same with respect to any legislative or administrative
29 action by means including but not limited to the provision or use of

1 information, statistics, studies, analyses in written or oral form or
2 format;

3 (7) "legislative action" means the preparation, research,
4 drafting, introduction, consideration, modification, amendment, approv-
5 al, passage, enactment, defeat or rejection of any bill, resolution,
6 amendment, motion, report, nomination, appointment or other matter by
7 the legislature, or by a standing, interim or special committee of the
8 legislature, or by a member or employee of the legislature acting in his
9 official capacity; it includes, but is not limited to, the action of the
10 governor in approving or vetoing a bill or the action of the legis-
11 lature in considering, overriding or sustaining that veto and the
12 action of the legislature in considering, confirming or rejecting an
13 executive appointment of the governor;

14 (8) "lobbyist" means

15 (A) a person who is employed and receives payments, or
16 who contracts for economic consideration, including reimbursement
17 for reasonable travel and living expenses, to communicate directly
18 or through his agents with any public official for the purpose of
19 influencing legislative or administrative action if a substantial
20 or regular portion of the activities for which he receives con-
21 sideration is for the purpose of influencing legislative or ad-
22 ministrative action; or

23 (B) a person who represents himself as engaging in the
24 influencing of legislative or administrative action as a business,
25 occupation or profession;

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

29 (10) "payment to influence legislative or administrative

1 action" means any of the following:

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

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

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

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

14 (E) a payment for or in connection with soliciting or
15 urging other persons to enter into direct communication with a
16 public official;

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

19 (11) "person", in addition to the terms set out in AS 01.10.-
20 060(7), includes a labor union; and

21 (12) "public official" or "public office" means a public
22 official or public office as defined in AS 39.50.200(1); however, it
23 does not include a judicial officer or an elected or appointed municipal
24 officer except as provided in sec. 141(2) of this chapter.

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

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

28 (8) examine, investigate and compare all reports, statements
29 and actions required by this chapter, AS 24.45 and AS 39.50 and to

1 report to the attorney general the names of all persons or groups which
2 the commission has substantial reason to believe have violated this
3 chapter;

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

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

8 * Sec. 5. AS 39.50.050 is amended by adding a new subsection to read:

9 (d) To facilitate the filing of reports under AS 24.25 (Regulation
10 of Lobbying) and the information required to be provided under AS 24.45.-
11 051(4) and (5), the commission shall publish copies of the reports
12 required under this chapter not later than the convening of each regular
13 session of the legislature. Copies of this publication shall be pro-
14 vided on request; however, the commission may make a charge for the
15 publication which may not exceed the actual cost of printing, postage
16 and handling.

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

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