

Introduced: 3/23/77
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST

2 *CS* HOUSE BILL NO. 396 (*Judiciary*)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

9 * Section 1. AS 24.45.031(a)(4) is amended to read:

10 (4) prepare and publish an annual report of its activities,
11 findings and recommendations under this chapter, which shall be made
12 available to the governor, legislature and to the public within 30 days
13 after the convening of the legislature [BY FEBRUARY 1 OF] each [CALEN-
14 DAR] year;

15 * Sec. 2. AS 24.45.031(b)(1) is amended to read:

16 (1) [HOLD HEARINGS AND] conduct investigations into compli-
17 ance with the provisions of this chapter and hold hearings when con-
18 sidered necessary in the public interest;

19 * Sec. 3. AS 24.45.031 is amended by adding a new subsection to read:

20 (c) Within 30 days after the convening of each regular session of
21 the legislature, the commission shall prepare a directory of registered
22 lobbyists, containing the information prescribed in sec. 41(b) of this
23 chapter for each lobbyist. The commission may publish supplements to
24 the directory that it determines are necessary. The directory shall be
25 made available to public officials and to the public at the office of
26 the secretary of the senate and the office of the chief clerk of the
27 house in the state capitol, at the commission's district office in the
28 capital, and at the commission's central office. If no district office
29 is maintained by the commission in the capital, the directory shall be

1 made available in the office of the lieutenant governor.

2 * Sec. 4. AS 24.45.041(a) and (d) are amended to read:

3 (a) Before engaging in lobbying, a lobbyist as defined in sec.
4 171(8) of this chapter, shall file a registration statement with [ON A
5 FORM PRESCRIBED BY] the commission; an individual who is exempted from
6 registration as a lobbyist under sec. 161(a)(1) of this chapter shall
7 file a registration statement with the commission within 15 days of
8 having made the disbursements or expenditures described in sec. 161(a)-
9 (1) of this chapter in excess of \$100 in the aggregate a year.

0 (d) If a change occurs in any of the information contained in a
11 registration statement filed under [(a) OF] this section, or in any
12 accompanying documents, an appropriate amendment shall be filed with the
13 commission within 10 days after the change.

14 * Sec. 5. AS 24.45.051 is amended to read:

15 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41
16 of this chapter shall file with the commission a report concerning his
17 activities during each reporting period prescribed in sec. 81 of this
18 chapter for each period, or portion of a period, in which [, SO LONG AS]
19 the lobbyist continues to engage in lobbying activities. The report
20 shall be made on a form prescribed by the commission and filed in
21 accordance with secs. 71 and 81 of this chapter. The report [ALSO]
22 shall include [ANY CHANGES IN THE INFORMATION REQUIRED TO BE SUPPLIED
23 UNDER SEC. 41(b) OF THIS CHAPTER AND] the following information for the
24 reporting period, as applicable:

25 (1) the source of payment [INCOME, AS DEFINED IN AS 39.50.-
26 200(8)] and the monetary value of all payments, including but not
27 limited to salary, fees, and reimbursement of expenses, including travel
28 and personal living expenses, received in consideration for or directly
29 or indirectly in support of or in connection with influencing legisla-

1 tive or administrative action, and the full name and complete address of
2 each person from whom amounts or things of value have been received and
3 the total monetary value received from each person;

4 (2) the aggregate amount of disbursements or expenditures for
5 food and beverages made or incurred during the period in support of or
6 in connection with influencing legislative or administrative action by
7 the lobbyist, or on behalf of the lobbyist by his employer for or on
8 behalf of a public official or the immediate family of a public official;
9 the name and official position of each public official shall be stated,
10 as well as the total amount incurred or expended for that public offi-
11 cial, including a member of the immediate family of that public official,
12 if more than \$100 in the aggregate a year is incurred or expended; [IN
13 THE FOLLOWING CATEGORIES: (A) FOOD AND BEVERAGES; (B) LIVING ACCOMMO-
14 DATIONS; (C) TRAVEL;]

15 (3) the date, [AND] nature and monetary value of any gift or
16 gifts exceeding \$100 in value in the aggregate a year made to a public
17 official or the immediate family of a public official and the full name
18 and official position of the public official, along with the name of
19 each member of the immediate family of the public official who is a
20 recipient of a gift [THAT PERSON];

21 (4) the name and official position of each public official,
22 and the name of each member of the immediate family of any of these
23 officials, with whom the lobbyist has engaged in an exchange of money,
24 goods, services or anything of more than \$100 in value in the aggregate
25 a year and the nature, [AND] date and monetary value of each of these
26 exchanges [AND THE MONEY VALUES EXCHANGED];

27 (5) the name and address of any business entity in which the
28 lobbyist knows or has reason to know that a public official is a pro-
29 prietor, partner, director, officer or manager, or has a controlling

1 interest, with whom the lobbyist has engaged in an exchange of money,
2 goods, services, or anything of value and the nature and date of each
3 exchange and the monetary value exchanged if the total value of these
4 exchanges is more than \$1,000 [\$100 OR MORE] in a calendar year; and

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

8 * Sec. 6. AS 24.45.061(b)(3) and (4) are amended to read:

9 (3) the total amount of payments made to influence legisla-
10 tive or administrative action as defined in sec. 171(10)(B) - (F) of
11 this chapter during the period, and the name and address of each person
12 to whom these payments have been made during the period by the maker of
13 the report, together with the [DATE AND] amount;

14 (4) the date, [AND] nature and monetary value of any gift
15 or gifts exceeding \$100 in value in the aggregate a year made to a
16 public official, or the immediate family of a public official, and the
17 full name and official position of the public official, along with the
18 name of each member of the immediate family of the public official who
19 is a recipient of a [EACH] gift;

20 * Sec. 7. AS 24.45.071 is amended to read:

21 Sec. 24.45.071. CERTIFICATION OF REPORTS. Every statement or
22 report required to be filed under this chapter shall identify the full
23 name of the person preparing it, his complete address and telephone num-
24 ber, and shall be certified as complete and correct [, BOTH] by the per-
25 son [PREPARING IT AND BY THE PERSON] on whose behalf it is filed.

26 * Sec. 8. AS 24.45.091 is amended to read:

27 Sec. 24.45.091. PUBLICATION OF REPORTS. Copies of the statements
28 and reports filed under this chapter shall be made available to the pub-
29 lic at the commission's central office and the commission's district

1 office in the capital [, THE OFFICE OF THE LIEUTENANT GOVERNOR, THE
2 LEGISLATIVE REFERENCE LIBRARY OF THE LEGISLATIVE AFFAIRS AGENCY, AND AT
3 THE COMMISSION'S DISTRICT OFFICES PRESCRIBED IN AS 15.13.020(j)] as soon
4 as practicable after each reporting period. If no district office is
5 maintained by the commission in the capital, the statements and reports
6 shall be made available in the office of the lieutenant governor.

7 * Sec. 9. AS 24.45.111 is amended to read:

8 Sec. 24.45.111. PRESERVATION OF RECORDS. (a) A person required
9 to register or report as a lobbyist shall preserve all accounts, bills,
10 receipts, books, papers and documents necessary to substantiate the
11 reports required to be made and filed under this chapter for a period of
12 at least one year from the date of the filing of the report containing
13 these items. These accounts, bills, receipts, books, papers and other
14 documents shall be [MADE] available for inspection by the commission, or
15 members of its staff, at any time. If a lobbyist is required under the
16 terms of his employment contract to turn any records over to his em-
17 ployer, responsibility for the preservation of these records under this
18 section rests with the employer.

19 (b) The commission shall preserve the statements and reports
20 required to be filed under this chapter for a period of six years from
21 the date of filing in the commission's central office [IF THE COMMIS-
22 SION'S CENTRAL OFFICE IS NOT IN THE STATE CAPITAL, COPIES OF ALL STATE-
23 MENTS AND REPORTS FILED UNDER THIS CHAPTER SHALL BE MAINTAINED IN AN
24 OFFICE ESTABLISHED BY THE COMMISSION IN THE STATE CAPITAL OR IN THE
25 OFFICE OF THE LIEUTENANT GOVERNOR].

26 * Sec. 10. AS 24.45.121(b) is amended to read:

27 (b) No person may employ for pay or any consideration, or pay or
28 agree to pay consideration to, a person to lobby [WHO IS NOT REGISTERED
29 UNDER SEC. 41 OF THIS CHAPTER] unless that person registers under

1 sec. 41 of this chapter [AND THAT PERSON DOES IN FACT SO REGISTER]
2 before engaging in lobbying.

3 * Sec. 11. AS 24.45.131(a)(2) is amended to read:

4 (2) a written complaint is filed with the commission by any
5 individual [QUALIFIED VOTER] alleging that a statement or report filed
6 with the commission does not conform to the requirements of this chap-
7 ter, or to the truth, or that a person subject to the provisions of this
8 chapter has failed to file a statement or report in the manner pre-
9 scribed by this chapter.

10 * Sec. 12. AS 24.45.161(a)(1) is amended to read:

11 (1) an individual [(A)] who lobbies without receipt of
12 payment, [OF] compensation or any economic [OTHER] consideration other
13 than travel and personal living expenses and makes no disbursement or
14 expenditure in excess of \$100 in the aggregate a year for or on behalf
15 of a public official, or a member of the immediate family of a public
16 official, to influence legislative or administrative action [OTHER THAN
17 TO PAY HIS REASONABLE PERSONAL TRAVEL AND LIVING EXPENSES; AND (B) WHO
18 LIMITS HIS LOBBYING ACTIVITIES TO APPEARANCES BEFORE PUBLIC SESSIONS OF
19 THE LEGISLATURE, OR ITS COMMITTEES OR SUBCOMMITTEES, OR TO PUBLIC HEAR-
20 INGS OR OTHER PUBLIC PROCEEDINGS OF STATE AGENCIES];

21 * Sec. 13. AS 24.45.161(a) is amended by adding a new paragraph to read:

22 (5) a person who lobbies with or without compensation or
23 other economic consideration, and makes no disbursement or expenditure
24 for or on behalf of a public official, or a member of the immediate
25 family of a public official, and who limits his lobbying activities to
26 appearances before any public proceeding of a regulatory or adminis-
27 trative agency which conducts proceedings in open public hearing for
28 which public notice is given and which creates a record of all pro-
29 ceedings and provides public access to the records or transcripts and to

1 all material which is submitted as part of the record.

2 * Sec. 14. AS 24.45.161(d) is amended to read:

3 (d) An individual not qualifying as a lobbyist [EXEMPT FROM THIS
4 CHAPTER] under (a)(1) and (5) of this section may, at his option, regis-
5 ter; however, if he registers, he must [AND] report under this chapter.

6 * Sec. 15. AS 24.45.171(1) is repealed and re-enacted to read:

7 (1) "administrative action" means a decision made or action
8 taken by a public official of a state agency;

9 * Sec. 16. AS 24.45.171(4) is amended to read:

10 (4) "immediate family" means the spouse and dependent chil-
11 dren of a public official [AN INDIVIDUAL];

12 * Sec. 17. AS 24.45.171(6) is amended to read:

13 (6) "influencing legislative or administrative action" means
14 promoting, advocating, supporting, modifying, opposing or delaying or
15 seeking to do the same with respect to any legislative or administrative
16 action by means including but not limited to the provision or use of
17 information, statistics, studies, analyses in written or oral form or
18 format, but does not include simple inquiries or routine actions made
19 necessary by law;

20 * Sec. 18. AS 24.45.171(8) is amended to read:

21 (8) "lobbyist" means [(A)] a person who is employed and re-
22 ceives payments, or who contracts for economic consideration, including
23 reimbursement for [REASONABLE TRAVEL AND LIVING] expenses, or makes dis-
24 bursements or expenditures for or on behalf of a public official, or a
25 member of the immediate family of a public official, to communicate
26 directly or through his agent with any public official for the purpose
27 of influencing legislative or administrative action, unless otherwise
28 exempt under sec. 161 of this chapter; [IF A SUBSTANTIAL OR REGULAR
29 PORTION OF THE ACTIVITIES FOR WHICH HE RECEIVES CONSIDERATION IS FOR THE

1 PURPOSE OF INFLUENCING LEGISLATIVE OR ADMINISTRATIVE ACTION; OR (B) A
2 PERSON WHO REPRESENTS HIMSELF AS ENGAGING IN THE INFLUENCING OF LEGIS-
3 LATIVE OR ADMINISTRATIVE ACTION AS A BUSINESS, OCCUPATION OR PROFES-
4 SION;]

5 * Sec. 19. AS 24.45.171(12) is amended to read:

6 (12) "public official" or "public officer [OFFICE]" means a
7 public official or public officer [OFFICE] as defined in AS 39.50.-
8 200(1); however, it does not include a judicial officer or an elected or
9 appointed municipal officer; for the purpose of this chapter "public
10 official" includes an employee of the legislature acting in his official
11 capacity; [.]

12 * Sec. 20. AS 24.45.171 is amended by adding a new paragraph to read:

13 (13) "source of payment" means the entity for which the ser-
14 vice is performed or which is otherwise the origin of payment; but if
15 the entity which is the origin of payment is not the same as the direct
16 employer of the lobbyist, then both are considered the "source."

17 * Sec. 21. AS 15.13.122(a) is amended to read:

18 (a) The attorney general is legal counsel for the commission. He
19 shall advise the commission in legal matters arising in the discharge of
20 its duties and represent the commission in actions to which it is a
21 party. If, in the opinion of the commission, the public interest
22 warrants, the commission may request the chief justice of the supreme
23 court to appoint a special prosecutor to represent the commission in a
24 proceeding involving an alleged violation of this chapter, AS 24.45,
25 and AS 39.50 and to prosecute that violation.

26 * Sec. 22. AS 24.45.031(a)(5), 24.45.041(c), and 24.45.041(e) are re-
27 pealed.

28 * Sec. 23. This Act takes effect immediately in accordance with AS 01.10.-
29 070(c).