

Original sponsor: Rules Committee
by request

Offered: 5/5/78
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 396 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND 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 and 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 and in the
2 legislative reference library of the Legislative Affairs Agency.

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

4 (a) Before engaging in lobbying, a lobbyist as defined in sec.
5 171(8) of this chapter, shall file a registration statement with [ON A
6 FORM PRESCRIBED BY] the commission; an individual ordinarily exempted
7 from registering as a lobbyist who exceeds the \$250 exemption threshold
8 established in sec. 161(a)(1) of this chapter is a lobbyist and shall
9 file a registration statement with the commission within 15 days of the
10 time when he exceeded the \$250 threshold.

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

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

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

27 (1) the source of payment [INCOME, AS DEFINED IN AS 39.50.-
28 200(8)] and the monetary value of all payments, including but not
29 limited to salary, fees, and reimbursement of expenses, including travel

1 and personal living expenses, received in consideration for or directly
2 or indirectly in support of or in connection with influencing legisla-
3 tive or administrative action, unless otherwise exempt under sec. 161-
4 (a)(1), (a)(5) or (e) and the full name and complete address of each
5 person from whom amounts or things of value have been received and the
6 total monetary value received from each person;

7 (2) the aggregate amount of disbursements or expenditures for
8 food and beverages made or incurred during the period by the lobbyist in
9 support of or in connection with influencing legislative or administra-
10 tive action or by the lobbyist and payable by his employer, or on behalf
11 of the lobbyist by his employer, for or on behalf of a public official
12 or the immediate family of a public official [IN THE FOLLOWING CATE-
13 GORIES: (A) FOOD AND BEVERAGES; (B) LIVING ACCOMMODATIONS; (C)
14 TRAVEL];

15 (3) the date, [AND] nature and monetary value of any gift or
16 gifts exceeding \$100 in value in the aggregate during a year made to a
17 public official or the immediate family of a public official and the
18 full name and official position of the public official, along with the
19 name of each member of the immediate family of the public official who
20 is a 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 aggre-
25 gate during a year and the nature, [AND] date and monetary value of
26 each of these 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 is amended to read:

9 Sec. 24.45.061. REPORTS BY EMPLOYERS OF LOBBYISTS OR PERSONS WHO
10 MAKE DIRECT OR INDIRECT PAYMENTS TO INFLUENCE LEGISLATIVE OR ADMINISTRA-
11 TIVE ACTION. (a) Within 15 days after employing, retaining or con-
12 tracting for the employment or retention of a lobbyist, the person who
13 employs, retains or who contracts for the services of a lobbyist shall
14 file a statement with the commission authorizing or verifying that
15 employment, retention or contract for lobbying services.

16 (b) A person who employs, retains or who contracts for the ser-
17 vices of one or more lobbyists, whether independently or jointly with
18 other persons, or [AND] who directly or indirectly makes over \$250 in
19 the aggregate during a year in payments to influence legislative or
20 administrative action shall file a quarterly report containing

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

23 (2) information sufficient to identify the nature and in-
24 terests of the person making the report;

25 (3) the total amount of payments made or incurred during the
26 period to influence legislative or administrative action as defined in
27 sec. 171(10)(B) - (F) of this chapter [DURING THE PERIOD], and the name
28 and address of each person to whom these payments have been made
29 or incurred [DURING THE PERIOD BY THE MAKER OF THE REPORT], together

1 with the [DATE AND] amount;

2 (4) the date, [AND] nature and monetary value of any gift
3 or gifts exceeding \$250 [\$100] in value in the aggregate during a year
4 made during the period to a public official, or the immediate family of
5 a public official, and the full name and official position of the public
6 official, along with the name of each member of the immediate family of
7 the public official who is a recipient of a [EACH] gift;

8 (5) a general description of the legislative or administra-
9 tive action which the person making the report has attempted to in-
10 fluence;

11 (6) the name and official position of each public official,
12 and the name of each member of the immediate family of the public offi-
13 cial, with whom the employer of a lobbyist has initiated an exchange of
14 money, goods, services, or anything of more than \$250 in the aggregate
15 in value, and the nature, date and monetary value of each such exchange
16 made during the period; [OF EACH LOBBYIST EMPLOYED OR RETAINED BY THE
17 PERSON MAKING THE REPORT, TOGETHER WITH THE TOTAL AMOUNT PAID TO EACH
18 LOBBYIST AND THE PORTION OF THAT AMOUNT, IF ANY, WHICH WAS PAID FOR
19 SPECIFIC PURPOSES, INCLUDING SALARY, FEES, AND REIMBURSEMENT FOR EX-
20 PENSES AND]

21 (7) a notice of termination if the person filing a report has
22 ceased employing or retaining a lobbyist registered under this chapter
23 and if this report constitutes the final report of the lobbyist's acti-
24 vities on behalf of the maker of the report; and

25 (8) the name and address of any business entity

26 (A) in which the employer of a lobbyist knows or has
27 reason to know that a public official is a proprietor, director,
28 officer, or manager, or has a controlling interest, and

29 (B) with whom the employer of a lobbyist has initiated

1 an exchange of money, goods, services or anything of value, and the
2 nature and date of the exchange and the monetary value exchanged
3 during the period, if the total of these exchanges is \$1,000 in the
4 aggregate or more in a calendar year.

5 * Sec. 7. AS 24.45.091 is amended to read:

6 Sec. 24.45.091. PUBLICATION OF REPORTS. Copies of the statements
7 and reports filed under this chapter shall be made available to the pub-
8 lic at the commission's central office and the commission's district
9 office in the capital [, THE OFFICE OF THE LIEUTENANT GOVERNOR, THE
10 LEGISLATIVE REFERENCE LIBRARY OF THE LEGISLATIVE AFFAIRS AGENCY, AND AT
11 THE COMMISSION'S DISTRICT OFFICES PRESCRIBED IN AS 15.13.020(j)] as soon
12 as practicable after each reporting period. If no district office is
13 maintained by the commission in the capital, the statements and reports
14 shall be made available in the office of the lieutenant governor and in
15 the legislative reference library of the Legislative Affairs Agency.

16 * Sec. 8. AS 24.45.111 is amended to read:

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

28 (b) The commission shall preserve the statements and reports
29 required to be filed under this chapter for a period of six years from

1 the date of filing in the commission's central office [IF THE COMMISS-
2 SION'S CENTRAL OFFICE IS NOT IN THE STATE CAPITAL, COPIES OF ALL STATE-
3 MENTS AND REPORTS FILED UNDER THIS CHAPTER SHALL BE MAINTAINED IN AN
4 OFFICE ESTABLISHED BY THE COMMISSION IN THE STATE CAPITAL OR IN THE
5 OFFICE OF THE LIEUTENANT GOVERNOR].

6 * Sec. 9. AS 24.45.121(b) is amended to read:

7 (b) No person may employ for pay or any consideration, or pay or
8 agree to pay consideration to, a person to lobby [WHO IS NOT REGISTERED
9 UNDER SEC. 41 OF THIS CHAPTER] unless that person registers under sec.
10 41 of this chapter [AND THAT PERSON DOES IN FACT SO REGISTER] before
11 engaging in lobbying.

12 * Sec. 10. AS 24.45.131(a)(2) is amended to read:

13 (2) a written complaint is filed with the commission by any
14 individual [QUALIFIED VOTER] alleging that a statement or report filed
15 with the commission does not conform to the requirements of this chap-
16 ter, or to the truth, or that a person subject to the provisions of this
17 chapter has failed to file a statement or report in the manner pre-
18 scribed by this chapter.

19 * Sec. 11. AS 24.45.161(a)(1) is amended to read:

20 (1) an individual [(A)] who lobbies without receipt of pay-
21 ment, [OF] compensation or any economic [OTHER] consideration and makes
22 no disbursement or expenditure in excess of \$250 in the aggregate
23 during a year for or on behalf of a public official, or a member of
24 the immediate family of a public official, to influence legislative or
25 administrative action [OTHER THAN TO PAY HIS REASONABLE PERSONAL TRAVEL
26 AND LIVING EXPENSES; AND (B) WHO LIMITS HIS LOBBYING ACTIVITIES TO
27 APPEARANCES BEFORE PUBLIC SESSIONS OF THE LEGISLATURE, OR ITS COMMIT-
28 TEES OR SUBCOMMITTEES, OR TO PUBLIC HEARINGS OR OTHER PUBLIC PROCEEDINGS
29 OF STATE AGENCIES];

1 * Sec. 12. AS 24.45.161(a)(2) is amended to read:

2 (2) an elected or appointed state or municipal public officer
3 [OR AN EMPLOYEE OF THE STATE OR A MUNICIPALITY] acting in his official
4 capacity as follows: [OR WITHIN THE SCOPE OF HIS EMPLOYMENT]

5 (A) the governor or lieutenant governor, or a borough or
6 city mayor;

7 (B) a state legislator, borough assemblyman, city coun-
8 cilman, or school board member;

9 (C) a chief administrative officer of a municipality;

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

11 (5) an individual who does not receive any economic con-
12 sideration, other than reimbursement for travel and personal living
13 expenses, for the purpose of influencing legislative or administrative
14 action, so long as the source of the reimbursement is not an organized
15 association, corporation, labor union, or a business or professional
16 entity, and he limits his lobbying activities to no more than five
17 calendar days during a calendar quarter.

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

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

22 * Sec. 15. AS 24.45.161 is amended by adding a new subsection to read:

23 (e) An individual who is not employed as a lobbyist, or who
24 receives no economic consideration to attempt to influence legislative
25 or administrative action except for reimbursement for travel and personal
26 living expenses, is considered a representational lobbyist and need only
27 register his representation under AS 24.45.041. The source of the
28 reimbursement to the representational lobbyist must register and report,
29 under AS 24.45.061, the amount paid or spent for or on behalf of the

1 representational lobbyist. As used in this subsection,

2 (1) "travel" means the expenses arising out of travel to the
3 capital city or the location of official proceedings of standing, in-
4 terim, or special legislative or of administrative committees or agen-
5 cies;

6 (2) "personal living expenses" is limited to an amount pay-
7 able as per diem under AS 39.20.160.

8 * Sec. 16. AS 24.45.171(1) is repealed and re-enacted to read:

9 (1) "administrative action" means a decision made or action
10 taken by a public official of a state agency; "administrative action"
11 does not include a:

12 (A) proceeding or action to determine the rights or
13 duties of a person under existing laws, regulations or policies;

14 (B) proceeding involving the issuance, amendment or
15 revocation of a permit, license or other entitlement for use;

16 (C) proceeding or action to enforce compliance with
17 existing law or to impose sanctions for violations of existing law;

18 (D) proceeding at which an action is taken involving the
19 purchase or sale of property, goods or services by the agency;

20 (E) proceeding at which an action is taken awarding a
21 grant or contract;

22 (F) proceeding or action involving the issuance of a
23 legal opinion.

24 * Sec. 17. AS 24.45.171(4) is amended to read:

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

27 * Sec. 18. AS 24.45.171(6) is amended to read:

28 (6) "influencing legislative or administrative action" means
29 promoting, advocating, supporting, modifying, opposing or delaying or

1 seeking to do the same with respect to any legislative or administrative
2 action by means including but not limited to the provision or use of
3 information, statistics, studies, analyses in written or oral form or
4 format, but does not include simple inquiries or routine actions made
5 necessary by law;

6 * Sec. 19. AS 24.45.171(8) is amended to read:

7 (8) "lobbyist" means [(A)] a person who is employed and re-
8 ceives direct or indirect payments, or who contracts for economic con-
9 sideration, including reimbursement for [REASONABLE TRAVEL AND LIVING]
10 expenses, or makes disbursements or expenditures for or on behalf of a
11 public official, or a member of the immediate family of a public offi-
12 cial, to communicate directly or through his agent with any public
13 official for the purpose of influencing legislative or administrative
14 action, unless otherwise exempt under sec. 161 of this chapter; [IF A
15 SUBSTANTIAL OR REGULAR PORTION OF THE ACTIVITIES FOR WHICH HE RECEIVES
16 CONSIDERATION IS FOR THE PURPOSE OF INFLUENCING LEGISLATIVE OR ADMINIS-
17 TRATIVE ACTION; OR (B) A PERSON WHO REPRESENTS HIMSELF AS ENGAGING IN
18 THE INFLUENCING OF LEGISLATIVE OR ADMINISTRATIVE ACTION AS A BUSINESS,
19 OCCUPATION OR PROFESSION;]

20 * Sec. 20. AS 24.45.171(12) is amended to read:

21 (12) "public official" or "public officer [OFFICE]" means a
22 public official or public officer [OFFICE] as defined in AS 39.50.-
23 200(1); however, it does not include a judicial officer or an elected or
24 appointed municipal officer; for the purpose of this chapter "public
25 official" includes an employee of the legislature acting in his official
26 capacity; [.]

27 * Sec. 21. AS 24.45.171 is amended by adding a new paragraph to read:

28 (13) "source of payment" means the entity for which the ser-
29 vice is performed or which is otherwise the origin of payment; but if

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

the entity which is the origin of payment is not the same as the direct employer of the lobbyist, then both are considered the "source."

* Sec. 22. AS 15.13.122(a) is amended to read:

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

* Sec. 23. AS 24.45.031(a)(5), 24.45.041(c), and 24.45.041(e) are repealed.

* Sec. 24. This Act takes effect December 1, 1978.

#