

Introduced: 3/22/79
Referred: State Affairs and
Judiciary

BY THE STATE AFFAIRS COMMITTEE
BY REQUEST (for the Special Sub-
Committee on Elections)

1 IN THE HOUSE

2 HOUSE BILL NO. 423

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST 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 AS 24.45.041(a) is repealed and re-enacted to read:

10 (a) Registration with the commission in accordance with the pro-
11 visions of this section is required of

12 (1) a lobbyist, before he engages in lobbying; or

13 (2) an individual who is exempt from registration under

14 AS 24.45.161(a)(1) and who loses the exemption, within 15 days after he
15 loses the exemption.

16 * Sec. 2. AS 24.45.041(e) is amended to read:

17 (e) Within 45 days after the convening of each regular session of
18 the legislature, the commission shall publish a directory of registered
19 lobbyists, containing the information prescribed in (b) of this section
20 for each lobbyist, and the photograph, if any, furnished by a lobbyist
21 under (c) of this section. The [FROM TIME TO TIME THEREAFTER THE]
22 commission may [SHALL] publish [THOSE] supplements to the directory that
23 [IN] the commission considers [COMMISSION'S JUDGMENT MAY BE] necessary.
24 The directory shall be made available to public officials and to the
25 public at [THE FOLLOWING LOCATIONS:] a public place adjacent to the
26 legislative chambers in the state capitol. If no district office is
27 maintained by the commission in the capital, the directory shall be
28 made available at [BUILDING,] the office of the lieutenant governor[,]
29 and in the legislative reference library of the Legislative Affairs

1 Agency [AND THE COMMISSION'S CENTRAL OFFICE].

2 * Sec. 3. AS 24.45 is amended by adding a new section to read:

3 Sec. 24.45.043. REPRESENTATIONAL LOBBYIST. Before engaging in
4 lobbying, a representational lobbyist shall register on a form pre-
5 scribed by the commission.

6 * Sec. 4. AS 24.45.051 is repealed and re-enacted to read:

7 Sec. 24.45.051. REPORTS. (a) A lobbyist registered under AS 24.-
8 45.041 shall file a report with the commission concerning his activities
9 during each reporting period, or portion of a reporting period, in which
10 he remains registered with the commission, regardless of the amount of
11 expenditures made or payments received by him. The report shall be made
12 on a form prescribed by the commission and filed in accordance with
13 AS 24.45.071 and 24.45.081. The report shall contain the following:

14 (1) the amount of income, including but not limited to
15 salary, fee, retainer, or other things of value, together with the full
16 name and complete address of each source of income;

17 (2) the amount of expenditures made or indebtedness incurred
18 during the reporting period and during the calendar year to date by the
19 lobbyist, or by the lobbyist and payable by the employer of the lobbyist,
20 or reimbursable to the lobbyist by his employer, including but not
21 limited to expenditures for

22 (A) food and beverages;

23 (B) living accommodations;

24 (C) travel;

25 (D) office expenses, including rent and utilities; and

26 (E) secretarial services;

27 (3) the date, nature, and monetary value of any gift or gifts
28 exceeding \$100 in value in the aggregate made to a public official, or
29 to a member of the immediate family of a public official, during the

1 calendar year and the full name and official position of the public
2 official, and the name of each member of the immediate family of the
3 public official who is a recipient of a gift;

4 (4) the name and official position of each public official,
5 and the name of each member of the immediate family of the public
6 official, with whom the lobbyist has exchanged money, goods, services or
7 anything of more than \$100 in value, the nature and date of each of
8 these exchanges, and the monetary values exchanged;

9 (5) the name and address of any business in which the
10 lobbyist knows or has reason to know that a public official is a pro-
11 prietor, partner, director, officer or manager, or has controlling
12 interest, with whom the lobbyist exchanged money, goods, services, or
13 anything of value and the nature and date of each exchange and the
14 monetary value exchanged, if the total value of these exchanges is
15 \$1,000 or more in a calendar year; and

16 (6) a notice of termination, if the lobbyist has ceased the
17 lobbying activity which required his registration under this chapter and
18 if the report is the final report of his activities.

19 (b) A report required to be filed under this section shall include
20 all amounts which are received by the lobbyist or which are due to him
21 as consideration for, or directly or indirectly in support of, or in
22 connection with, influencing legislative or administrative action.

23 * Sec. 5. AS 24.45.061 is amended to read:

24 Sec. 24.45.061. REPORTS BY EMPLOYERS OF LOBBYISTS. (a) Within 15
25 days after employing, retaining or contracting for the employment or
26 retention of a lobbyist, the person or group employing, retaining, or
27 contracting [WHO EMPLOYES, RETAINS, OR WHO CONTRACTS] for the services
28 of a lobbyist shall file a statement with the commission authorizing or
29 verifying that employment, retention or contract for lobbying services.

1 (b) A person or group who employs, retains or who contracts for
2 the services of one or more lobbyists, whether independently or jointly
3 with others [OTHER PERSONS], and who directly or indirectly makes pay-
4 ments to influence legislative or administrative action shall file a
5 [QUARTERLY] report containing

6 (1) the full name, complete business address and telephone
7 number of the person or group making the report;

8 (2) information sufficient to identify the nature and inter-
9 ests of the person or group making the report;

10 (3) the total amount of payments made or indebtedness
11 incurred during the period to influence legislative or administrative
12 action [DURING THE PERIOD], and the name and address of each person to
13 whom these payments have been made or for whom the indebtedness was
14 incurred [DURING THE PERIOD BY THE MAKER OF THE REPORT], together with
15 the [DATE AND] amount of payment;

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

22 (5) a general description of the legislative or administra-
23 tive action which the person or group making the report has attempted to
24 influence;

25 (6) the name of each lobbyist employed or retained by the
26 person or group making the report, together with the total amount paid
27 to each lobbyist and the portion of that amount, if any, which was paid
28 for specific purposes, including salary, fees, and reimbursement for
29 expenses; and

1 (7) a notice of termination if the person or group filing a
2 report has ceased employing or retaining a lobbyist registered under
3 this chapter and if this report constitutes the final report of the
4 lobbyist's activities on behalf of the maker of the report.

5 * Sec. 6. AS 24.45.061 is amended by adding a new subsection to read:

6 (c) Annual statements of authorization may not be accepted by the
7 commission until the employer has filed all reports or statements which
8 he has failed to file for a previous reporting period.

9 * Sec. 7. AS 24.45 is amended by adding a new section to read:

10 Sec. 24.45.063. REPORTS BY PERSONS REIMBURSING REPRESENTATIONAL
11 LOBBYISTS. A person or group reimbursing the travel and personal living
12 expenses of a representational lobbyist shall, within 15 days after
13 providing reimbursement, file a statement with the commission verifying
14 that the person or group has retained the services of a person as a
15 representational lobbyist.

16 * Sec. 8. AS 24.45.081 is repealed and re-enacted to read:

17 Sec. 24.45.081. REPORTING PERIODS. (a) Each calendar quarter is
18 a reporting period. Reports shall be filed with the commission not
19 later than the 15th day of the end of each reporting period by

20 (1) persons registered as lobbyists; and

21 (2) persons or groups who, under AS 24.45.061, employ lobby-
22 ists or representational lobbyists.

23 (b) The reports filed shall cover the period from the date of
24 registration, or from the final date of the last report filed under this
25 chapter, through the date of the end of the calendar quarter for which
26 the report is being filed. The period covered may not include any
27 months covered in previous reports filed by the same person. When total
28 amounts are required to be reported, totals shall be stated both for the
29 period covered by the report and for the entire calendar year to date.

1 * Sec. 9. AS 24.45.091 is amended to read:

2 Sec. 24.45.091. PUBLICATION OF REPORTS. Copies of the statements
3 and reports filed under this chapter shall be made available to the
4 public at the commission's district [CENTRAL] office[,] in the state
5 capital. If no district office is maintained by the commission in the
6 state capital, the statements and reports shall be made available in the
7 office of the lieutenant governor, and in the legislative reference
8 library of the Legislative Affairs Agency [, AND AT THE COMMISSION'S
9 DISTRICT OFFICES PRESCRIBED IN AS 15.13.020(j) AS SOON AS PRACTICABLE
10 AFTER EACH REPORTING PERIOD].

11 * Sec. 10. AS 24.45 is amended by adding a new section to read:

12 Sec. 24.45.146. REVOCATION AND SUSPENSION. If the commission
13 finds that a lobbyist or an employer of a lobbyist is in violation of a
14 provision of this chapter, the commission may require the lobbyist or
15 employer of a lobbyist to file a statement or report due under this
16 chapter. If the lobbyist or employer of a lobbyist fails or refuses to
17 comply with an order of the commission to file a statement or report,
18 the commission may, after giving notice and affording an opportunity for
19 a hearing, revoke or suspend the registration of a lobbyist or employer
20 of a lobbyist.

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

22 (1) an individual [(A)] who lobbies without payment, [OF]
23 compensation, or any economic [OTHER] consideration or who lobbies with-
24 out the promise of payment, compensation or economic consideration, and
25 who does not expend more than \$100 in the aggregate during a calendar
26 year [MAKES NO DISBURSEMENT OR EXPENDITURE] for or on behalf of a public
27 official, or a member of the immediate family of a public official, to
28 influence legislative or administrative action [OTHER THAN TO PAY HIS
29 REASONABLE PERSONAL TRAVEL AND LIVING EXPENSES; AND (B) WHO LIMITS HIS

1 LOBBYING ACTIVITIES TO APPEARANCES BEFORE PUBLIC SESSIONS OF THE LEGIS-
2 LATURE, OR ITS COMMITTEES OR SUBCOMMITTEES, OR TO PUBLIC HEARINGS OR
3 OTHER PUBLIC PROCEEDINGS OF STATE AGENCIES];

4 * Sec. 12. AS 24.45.171(1) is repealed and re-enacted to read:

5 (1) "administrative action" means a proceeding, decision or
6 action by a public official of a state agency; the term excludes

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

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

11 (C) a proceeding or action to enforce compliance with
12 existing law or to impose sanctions for violations of existing law;

13 (D) a proceeding involving the purchase or sale of
14 property, goods, or services by the state agency;

15 (E) a proceeding awarding a grant or contract;

16 (F) a proceeding involving the issuance of a legal
17 opinion.

18 * Sec. 13. AS 24.45.171(4) is amended to read:

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

21 * Sec. 14. AS 24.45.171(6) is amended to read:

22 (6) "influencing legislative or administrative action" means
23 promoting, advocating, supporting, modifying, opposing or delaying or
24 attempting [SEEKING] to do any of these [THE SAME] with respect to any
25 legislative or administrative action by means including but not limited
26 to the provision or use of information, statistics, studies, analyses in
27 written or oral form or format; the term excludes inquiries about or
28 activity conforming to procedures required by law;

29 * Sec. 15. AS 24.45.171(8) is repealed and re-enacted to read:

1 (8) "lobbyist" means a person who, for the purpose of in-
2 fluencing legislative or administrative action

3 (A) is employed and receives direct or indirect pay-
4 ments, or who contracts for economic consideration, including
5 reimbursement for expenses, to communicate directly or through his
6 agent with any public official; or

7 (B) who makes disbursements for or on behalf of a public
8 official, or for or on behalf of a member of the immediate family
9 of a public official;

10 * Sec. 16. AS 24.45.171(12) is amended to read:

11 (12) "public official" or "public officer [OFFICE]" means a
12 public official or public officer [OFFICE] as defined in AS 39.50.200(1)
13 and includes an employee of the legislature; the term excludes [HOWEVER,
14 IT DOES NOT INCLUDE A) judicial and municipal officers; [OFFICER OR AN
15 ELECTED OR APPOINTED MUNICIPAL OFFICER.]

16 * Sec. 17. AS 24.45.171 is amended by adding new paragraphs to read:

17 (13) "representational lobbyist" means an individual who is
18 not employed as a lobbyist and who receives no economic consideration
19 for attempting to influence legislative or administrative action except
20 reimbursement for travel and personal living expenses;

21 (14) "source of income" means

22 (A) the person or group for which lobbying services are
23 performed; or

24 (B) the person or group which is the origin of payment
25 for lobbying services, or the direct employer of the lobbyist, or
26 both.

27 * Sec. 18. This Act takes effect January 1, 1980.
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