

CS FOR SENATE BILL NO. 299 (JUDICIARY)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE JUDICIARY COMMITTEE

Offered: 5/1/92
Referred: Finance

Sponsor(s): SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to reporting and disclosure requirements for election campaigns, the
2 Regulation of Lobbying Act, and conflicts of interest; relating to duties of the Alaska
3 Public Offices Commission; and providing for an effective date."

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

5 * Section 1. AS 15.13.040(a) is amended to read:

6 (a) Each candidate shall make a full report, upon a form prescribed by the commission,
7 listing the date and amount of all expenditures made by the candidate, the total amount of all
8 contributions, including all funds contributed by the candidate, and for all contributions in excess
9 of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the
10 contributor and the date and amount contributed by each contributor. The report shall be filed
11 in accordance with AS 15.13.110 and shall be certified correct by the candidate or campaign
12 treasurer. A candidate who does not receive more than \$1,000 in contributions and does not
13 spend more than \$1,000 on behalf of a campaign is not subject to the reporting
14 requirements of this subsection, but the candidate shall indicate, on a form prescribed by

1 the commission, an intent not to raise or spend more than \$1,000.

2 * Sec. 2. AS 15.13.040 is amended by adding a new subsection to read:

3 (g) Accrued expenditures that in the aggregate total \$1,000 or less a year per payee or
4 account need not be included in the report of expenditures required under (a) and (b)(3) of this
5 section. However, if an unreported accrued expenditure is not paid within 90 days after it is
6 incurred, it becomes a contribution and must be reported as required by this section and
7 AS 15.13.110. For purposes of this subsection, "accrued expenditures" means expenses incurred
8 but not yet paid.

9 * Sec. 3. AS 15.13.125 is amended to read:

10 Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED REPORTS. A
11 person who fails to file a properly completed and certified report within the time required by
12 AS 15.13.110(a)(1) or [, (3),] (4) or 15.13.110(d) is subject to a civil penalty of not more than
13 \$10 a day for each day the delinquency continues as determined by the commission subject to
14 right of appeal to the superior court. A person who fails to file a properly completed and certified
15 report within the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty
16 of not more than \$50 a day for each day the delinquency continues as determined by the
17 commission subject to right of appeal to the superior court. An affidavit stating facts in
18 mitigation may be submitted to the commission by a person against whom a civil penalty is
19 assessed. However, the imposition of the penalties prescribed in this section or in AS 15.13.120
20 does not excuse that person from filing reports required by this chapter.

21 * Sec. 4. AS 24.45.031(b) is amended to read:

22 (b) The commission may

23 (1) hold hearings and conduct investigations into compliance with the provisions
24 of this chapter;

25 (2) in conjunction with (1) of this subsection, issue subpoenas, compel the
26 attendance and testimony of witnesses, administer oaths and affirmations, and require the
27 production of books, papers, records, documents or other items material to the commission's
28 duties or powers under this chapter;

29 (3) prepare, publish, and make available to the public, semi-annual [PERIODIC,
30 BUT AT LEAST QUARTERLY AND ANNUALLY,] summaries of the statements and reports
31 received; these summaries shall list separately individual lobbyists and employers of lobbyists.

1 * Sec. 5. AS 24.45.041(e) is amended to read:

2 (e) Within 45 days after the convening of each regular session of the legislature, the
3 commission shall publish a directory of registered lobbyists, containing the information prescribed
4 in (b) of this section for each lobbyist [AND THE PHOTOGRAPH, IF ANY, FURNISHED BY
5 A LOBBYIST UNDER (C) OF THIS SECTION]. From time to time thereafter the commission
6 shall publish those supplements to the directory that in the commission's judgment may be
7 necessary. The directory shall be made available to public officials and to the public at the
8 following locations: a public place adjacent to the legislative chambers in the state capitol
9 building, [THE OFFICE OF THE LIEUTENANT GOVERNOR, THE LEGISLATIVE
10 REFERENCE LIBRARY OF] the Legislative Affairs Agency, and the commission's central
11 office.

12 * Sec. 6. AS 24.45.061(a) is repealed and reenacted to read:

13 (a) A person who employs, retains, or contracts for the services of a lobbyist shall sign
14 the lobbyist's registration statement verifying that employment, retention, or contract for lobbying
15 services.

16 * Sec. 7. AS 24.45.061(b) is amended to read:

17 (b) A person who employs, retains, or [WHO] contracts for the services of one or more
18 lobbyists, whether independently or jointly with other persons, and who directly or indirectly
19 makes payments to influence legislative or administrative action shall file an annual [A
20 QUARTERLY] report containing

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

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

25 (3) the total amount of payments made to influence legislative or administrative
26 action during the period, and the name and address of each person to whom these payments have
27 been made during the period by the maker of the report, together with the date and amount;

28 (4) the date and nature of any gift exceeding \$100 in value made to any public
29 official and the full name and official position of the recipient of each gift;

30 (5) a general description of the legislative or administrative action that [WHICH]
31 the person making the report has attempted to influence;

1 (6) the name of each lobbyist employed or retained by the person making the
2 report, together with the total amount paid to each lobbyist and the portion of that amount, if any,
3 that [WHICH] was paid for specific purposes, including salary, fees, and reimbursement for
4 expenses; and

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

8 * Sec. 8. AS 24.45.081 is amended to read:

9 Sec. 24.45.081. REPORTING PERIODS. Lobbyist reports [REPORTS] required under
10 this chapter shall be filed during the calendar month following each calendar month during any
11 part of which the legislature was in session and during the month following each calendar quarter
12 when the legislature was not in session. However, if a lobbyist registered under this chapter has
13 declared that the lobbyist seeks only to influence administrative action and not legislative action,
14 the lobbyist need only file a report required under this chapter for each calendar quarter. The
15 period covered shall be the calendar month or the calendar quarter, as applicable, and shall in any
16 event cover the period from the date of the last report filed under this chapter to the date of the
17 end of the calendar month or quarter, as applicable, for which the report is being filed. The
18 period covered shall not include any months covered in previous reports filed by the same person.
19 When total amounts are required to be reported, totals shall be stated both for the period covered
20 by the statement and for the entire calendar year to date. Annual employer reports required
21 under this chapter shall be filed either 30 days after all lobbying activities are terminated
22 or during the month following the fourth calendar quarter, whichever occurs first.

23 * Sec. 9. AS 39.50.030(a) is amended to read:

24 (a) Each statement shall be an accurate representation of the financial affairs of the public
25 official or candidate and shall contain the same information for each member of the person's
26 family, as specified in (b) of this section, to the extent that it is ascertainable by the public
27 official or candidate. [AN ASSET OR LIABILITY UNDER \$500, HOUSEHOLD GOODS,
28 AND PERSONAL EFFECTS NEED NOT BE IDENTIFIED.]

29 * Sec. 10. AS 39.50.030(b) is amended to read:

30 (b) Each statement filed by a public official or candidate under this chapter shall include
31 the following:

1 (1) the source of all income over \$1,000 [\$100] during the preceding calendar
2 year, including taxable and nontaxable capital gains, received by the person, the person's spouse
3 or dependent child, or a nondependent child of the person who is living with that person, except
4 that a source of income that is a gift must be included if the value of the gift exceeds \$100;

5 (2) the identity, by name and address, of each business in which the person, the
6 person's spouse or dependent child, or a nondependent child of the person who is living with that
7 person was a stockholder, owner, officer, director, partner, proprietor, or employee during the
8 preceding calendar year;

9 (3) the identity and nature of each interest owned in any business during the
10 preceding calendar year by the person, the person's spouse or dependent child, or a nondependent
11 child of the person who is living with that person;

12 (4) the identity and nature of each interest in real property, including an option
13 to buy, owned at any time during the preceding calendar year by the person, the person's spouse
14 or dependent child, or a nondependent child of the person who is living with that person;

15 (5) the identity of each trust or other fiduciary relation in which the person, the
16 person's spouse or dependent child, or a nondependent child of the person who is living with that
17 person held a beneficial interest exceeding \$1,000 during the preceding calendar year, a
18 description and identification of the property contained in each trust or relation, and the nature
19 and extent of the beneficial interest in it;

20 (6) any loan or loan guarantee made to the person, the person's spouse or
21 dependent child, or a nondependent child of the person who is living with that person, and the
22 identity of the maker of the loan or loan guarantor and the identity of each creditor to whom the
23 person, the person's spouse or dependent child, or a nondependent child of the person who lives
24 with that person owed more than \$1,000 [\$500 OR MORE];

25 (7) a list of all contracts and offers to contract with the state or an instrumentality
26 of the state during the preceding calendar year held, bid, or offered by the person, the person's
27 spouse or dependent child, a nondependent child of the person who is living with that person,
28 a partnership or professional corporation of which the person is a member [THE PERSON'S
29 MOTHER OR FATHER], or a corporation in which the person or the person's spouse or
30 children, or a combination of them, hold a controlling interest; and

31 (8) a list of all mineral, timber, oil, or any other natural resource lease held, or

1 lease offer made, during the preceding calendar year by the person, the person's spouse or
2 dependent child, a nondependent child of the person who is living with that person, [THE
3 PERSON'S MOTHER OR FATHER] a partnership or professional corporation of which the
4 person is a member, or a corporation in which the person or the person's spouse or children, or
5 a combination of them, holds a controlling interest.

6 * Sec. 11. AS 39.50.050(d) is amended to read:

7 (d) To facilitate the filing of reports under AS 24.45 (Regulation of Lobbying) and the
8 information required to be provided under AS 24.45.051(4) [AND (5),] the commission shall
9 publish copies of the reports required under this chapter not later than the convening of each
10 regular session of the legislature. Copies of this publication shall be provided on request;
11 however, the commission may make a charge for the publication that may not exceed the actual
12 cost of printing, postage, and handling.

13 * Sec. 12. AS 39.50 is amended by adding a new section to read:

14 Sec. 39.50.147. EXEMPTION FOR MUNICIPALITIES. The provisions of this chapter
15 do not apply to a municipal officer of a municipality with a population of 1,000 or less according
16 to the latest United States census figures or estimates of population certified correct for
17 administrative purposes by the Department of Community and Regional Affairs.

18 * Sec. 13. AS 15.13.110(a)(3); AS 24.45.041(c), 24.45.051(5), 24.45.116; and AS 39.50.025 are
19 repealed.

20 * Sec. 14. This Act takes effect January 1, 1992.