

HB

522

COMMITTEE REPORT

1/30/76

HOUSE

Mr. Speaker:

Date Feb 16 1977

The Committee on JUDICIARY has had HB 522

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR 10522 AND THAT
CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____
COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>[Signature]</u>	<u>Do Pass</u>	<u>[Signature]</u>
<u>[Signature]</u>		<u>[Signature]</u>
<u>[Signature]</u>	<u>Pass</u>	<u>[Signature]</u>
<u>[Signature]</u>		<u>[Signature]</u>

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

STATE OF ALASKA THE LEGISLATURE

POUCH Y, STATE CAPITOL
JUNEAU, ALASKA 99811
465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

20 May 1976

SUBJECT: Senate Version of Lobbying Bill
(SCS CSHB 522 am S)

TO : Rep. Bill Parker, Chairman
House Rules Committee

FROM : Stuart C. Hall, ^{SCS} Senior Legislative Counsel

This is a revision of the Memorandum on the same subject I submitted to you under date of 18 May.

I am troubled by some of the amendments to the lobbying bill made by the Senate; it occurs to me some of them may have been inadvertent, and I wanted to call your attention to them.

OK. 1. The Senate deleted the requirement of present law that the lobbyist submit a written authorization to represent his employer or principal. That language contained in the version of the bill that emerged from the Senate Commerce Committee should be restored. Compare AS 24.45.010 and 24.45.040 with proposed AS 24.45.041(b).

partial 2. The commission's authority to suspend or revoke a lobbyist's credentials should be restored. Other than the criminal penalties, the only authority the commission has under the Senate version of the bill is to withhold credentials to a lobbyist who has failed to file required reports for the previous reporting period(s). That seems inadequate to me.

3. The Senate deleted the civil penalties proposed by the Attorney General's Office; they are comparable to those proposed for the conflict of interest and election campaign disclosure laws (HB 855 and HB 857). The Department of Law believes that these sanctions, based on its experience in enforcing virtually identical civil sanctions with respect to the pollution control laws (AS 46.03), may be more effective than the prospect of criminal penalties, except perhaps in the most aggravated cases of violation of the statute.

C.K. 4. Under present law, the lobbyist's employer must submit a report of his payments to the lobbyist. The Senate deleted any requirement that the lobbyist's employer report expenditures. See AS 24.45.090, and compare it with proposed AS 24.-45.061 that appeared in the SCS that emerged from the Senate Commerce Committee. I recommend that reporting requirement be restored, or at the very least that the employer be required to verify the lobbyist's report as suggested by Waco Shelley.

Re: Lobbyist #4522
from Jeff Hat
Wilda Hudson

STATUTORY BASIS:

DEFINITION & GOALS: An Estimate on the Cost of Administering HBS22; prepared January 20, 1976.

The Alaska Public Offices Commission will be charged with the administration and implementation of the lobbyist registration and reporting law. This document outlines the cost to administer this law and provides the rationale for the funding request.

SPECIFIC OBJECTIVES:

1. Carry out all statutory obligations.
2. Prepare and publish a manual setting out uniform methods of bookkeeping and reporting for use by persons complying with this law.
3. Receive and hold open for public inspection reports and statements required to be made under this law and upon request furnish copies at cost.
4. Investigate all complaints, actions, and audit reports as required by this law.
5. Prepare and make available copies of all forms, instructions, regulations and copies of the law.
6. Adopt regulations necessary to effectuate and clarify the law.

BRU _____ BRU CODE _____ REVISED _____

1 DEFINITION STATEMENT

2 Analytic Statement

Basic Assumptions Used for Preparation of a Budget Funding Lobbyist Registration and Reporting Law.

This evaluation is based on our best estimates of how much it would cost to administer the lobbyist registration and reporting law if it were styled after the Minnesota law.

For the purposes of this evaluation, the following assumptions are being made.

1. Number of Lobbyists - Through March 28, 1975, 107 lobbyists have registered with the Department of Administration. Using the assumption that a tighter definition would force more people to register, the assumption will be that there will be approximately 250 lobbyists registered with and reporting receipts and expenditures to the Commission.

2. Number of Reports - A) Initial Registration

1) a lobbyist must file separate registration for each client - wild guess: 2,000 2-page registration forms (1 page printed on both sides)

B) Reporting forms for receipts and expenditures

1) Reporting schedule

<u>Report Due</u>	<u>From</u>	<u>Period</u>	<u>To</u>
1. February 15	1/1		1/31
2. March 15	2/1		2/28
3. April 15	3/1		3/31
4. June 15	4/1		5/31
5. December 31	6/1		12/31

2) Reports filed: 250 x 5 = 1,250 reports
6 pages each - 3-8 1/2 x 11 sheets printed on both sides.

3. The Lobbyist registration and reporting function will be maintained in Juneau.

BRU _____ BRU CODE _____ REVISED _____



Explanation

SUMMARY OF REQUESTED FUNDING

Personal Services	\$23,203
Travel	1,730
Contractual Services	7,730
Commodities	1,200
Equipment	<u>890</u>
TOTAL	\$34,753

BRU _____ BRU CODE _____ REVISED _____



EXPLANATION



13 Request for New Position

POSITION TITLE Accountant III		RANGE 16	LOCATION Juneau	APPROVED CLASSIFICATION
TYPE OF POSITION (PFT, PPT, SEAS) PFT		NEW FY76 ESTABLISHED	M/C: _____ PRIORITY _____ PAGE/LINE _____	
TYPE OF EXPENDITURE	BUDGET YEAR (BY)		DETAIL OF RELATED EXPENSES	CLASS CODE
	AMOUNT	FUNDING SOURCE		
PERSONAL SERVICES			Range 16A Using 1/1/76 Salary Schedule	RANGE
TRAVEL				
CONTRACTUAL Salary	19,176			
COMMODITIES				
EQUIPMENT 21% p/r charges	4,027			
OTHER				
TOTAL	23,203			APPROVED BY:

7/1/76 - 12/31/76 form design, instructions, etc.

EXPLANATION:

The person who is actually receiving and verifying the lobbyist reports will be required to assign each lobbyist a reporting I.D. number; verify all reports for mathematical accuracy; prepare summaries of report; initiate follow-up correspondence; monitor an internal procedure to make copies of reports available; prepare an annual summary of all financial activity by lobbyists for inclusion in an annual report, and; prepare recommendations for changes in forms and regulations for review by the Commission. The position will be under the general supervision of the Executive Director; however, the incumbent will work with considerable independence within established procedures. Other general duties will include: maintenance of a list showing delinquent reports; initiating correspondence to bring reporting officials into compliance; preparing lists of violations for submission to the Attorney General; preparing a directory of lobbyists and required supplements; and maintaining the records and files.

Register: Publish and maintain in a 3-ring binder in office with all registrations enclosed. Copies available at cost.

GOVERNOR	APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>	LEGISLATURE	APPROVED <input type="checkbox"/> DISAPPROVED <input type="checkbox"/>	CERTIFICATION BY AGENCY HEAD	DATE

BRU _____ BRU CODE _____ REVISED _____

13 PERSONAL SERVICES
REQUEST FOR NEW POSITION

14-A

Explanation

Members to Juneau for public hearing on regulations

Five members @ \$175 ea. for travel and ten days per diem @ \$50 a day \$1,375

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14-A EXPLANATION

Communication Services: Long distance charges in the amount of \$50 per month are anticipated plus \$30 a month base rate	<u>\$960</u>
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Printing and Advertising:

<u>Registration Forms</u> - 3,000 2-page forms 8-1/2" x 11" \$30/page per 1,000 Annual Cost	180
<u>Reporting Forms</u> - 4,000 3 pages each 8-1/2" x 11" \$30/page per 1,000 Annual Cost	300
<u>Instructions</u> - 4 pages 1,000 copies 8-1/2" x 11" \$30/page per 1,000 Annual Cost	120
<u>Regulations</u> - 4 pages 1,000 copies 8-1/2" x 11" \$30/page per 1,000 Annual Cost	120
<u>Copies of Law</u> - 15 pages 1,000 copies 8-1/2" x 11" \$30/page per 1,000 Annual Cost	<u>450</u>
Total Printing	<u>\$1,230</u>

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Explanation

Advertising - The Commission will publish notices of proposed regulations. These will be approximately one third of a page in size and will run four separate times in each of the following publications:

Juneau Southeast Alaska Empire	\$150 each x 4 =	\$600
Ketchikan Daily News	150 each x 4 =	600
Anchorage Daily News	150 each x 4 =	600
Fairbanks Daily News-Miner	150 each x 4 =	600
Anchorage Daily Times	150 each x 4 =	600
Nome Nugget	150 each x 4 =	<u>600</u>
Annual cost of advertising		<u>\$3,600</u>
Total printing and advertising		<u>\$4,830</u>

BRU _____ BRU CODE _____ REVISED _____

	EXPLANATION
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Explanation

Rent - 150 square feet of office space in Juneau at an estimated cost of \$.80 per square foot, a monthly cost of \$120 for an annual cost of \$1,440.

Other - The members of the Commission will hold public hearings in Juneau and Anchorage on the proposed regulations. Members are entitled to \$50 a day while meeting and the cost for these hearings would be approximately \$500. (The drafts will be reviewed during regular meetings of the Commission)

BRU _____ BRU CODE _____ REVISED _____

EXPLANATION

16 Commodities

CODE	COMMODITIES CLASSIFICATION	PRIOR YEAR (PY) ACTUAL	CURRENT YEAR (CY) AUTHORIZED	BUDGET YEAR (BY)			GOVERNOR'S BUDGET
				AGENCY			
				Maintenance	Change	Request	
400	TOTAL COMMODITIES						
410	CLOTHING						
430	FOOD FOR HUMAN CONSUMPTION						
440	FUEL (OTHER THAN FOR MOTOR VEHICLES)						
450	MAINTENANCE & CONSTRUCTION MATERIALS						
460	MOTOR VEHICLE,PARTS,SUPPLIES & ACCESSORIES						
470	PROFESSIONAL & SCIENTIFIC SUPPLIES						
480	STATIONERY AND OFFICE SUPPLIES				\$1,200	\$1,200	
490	OTHER SUPPLIES,MATERIALS AND PARTS						
940	INTER-AGENCY TRANSFERS (Non-Add)						

EXPLANATION:

The \$1,200 request will cover the cost of stationery, supplies and other office supplies such as accounting pads, pencils, file folders, hanging files, other miscellaneous supplies, and the cost of sharing a photo copier maintained by another agency (est. \$30 monthly)

BRU _____ BRU CODE _____ REVISED _____

16 COMMODITIES

HOUSE VERSION

SENATE VERSION

Original sponsors: Parker, Bradley
Gardiner, et al

Offered: 3/2/76
Referred: Rules

Original sponsors: Parker, Bradley,
Gardiner, et al

Offered: 5/7/76
Referred: Rules

HOUSE BY THE JUDICIARY COMMITTEE

IN THE HOUSE BY THE COMMERCE COMMITTEE

CS FOR HOUSE BILL NO. 522 (Judiciary) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINTH LEGISLATURE - SECOND SESSION

SENATE CS FOR CS FOR HOUSE BILL NO. 522 am S
IN THE LEGISLATURE OF THE STATE OF ALASKA
NINTH LEGISLATURE - SECOND SESSION

A BILL

A BILL

Act entitled: "An Act relating to the regulation of lobbying; and
providing for an effective date."

For an Act entitled: "An Act relating to the regulation of lobbying; and
providing for an effective date."

ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

Section 1. AS 24.45.010 - 24.45.150 are repealed.

* Section 1. AS 24.45.010 - 24.45.150 are repealed.

Sec. 2. AS 24.45 is amended by adding new sections to read:

* Sec. 2. AS 24.45 is amended by adding new sections to read:

CHAPTER 45. REGULATION OF LOBBYING

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[LEGISLATIVE REPRESENTATION].

[LEGISLATIVE REPRESENTATION].

ARTICLE 1. LEGISLATIVE DECLARATION OF PURPOSE.

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Sec. 24.45.011. PURPOSE. The legislature finds and declares that
the operation of responsible representative democracy requires that the
fullest opportunity be afforded to the people to petition their govern-
ment for the redress of grievances and to express freely to individual
members of the legislature, to its committees, and to officials of the
executive branch, their opinions on pending legislation or administra-
tive actions; and that the people are entitled to know the identity,
income, expenditures and activities of those persons who pay or are
paid to engage in efforts to persuade members of the legislature or
officials in the executive branch to take specific actions.

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rative actions; and that the people are entitled to know the identity,
income, expenditures and activities of those persons who pay, are paid
or reimbursed for expenses, or who make expenditures or other payments
in an effort to influence legislative or administrative action.

ARTICLE 2. ADMINISTRATION.

Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be administered by the Alaska Public Offices Commission created under AS 15.13.020(a).

(b) The commission shall promulgate regulations under the Administrative Procedure Act (AS 44.62) to implement the provisions of this chapter.

Sec. 24.45.031. POWERS AND DUTIES. (a) In addition to its other duties under this chapter, the commission shall

(1) prescribe the forms for registration, reports, statements, notices and other documents required by this chapter;

(2) prepare and publish instructions setting out the methods of accounting, bookkeeping and preservation of records required to facilitate compliance with and enforcement of this chapter and explaining the duties of persons subject to the provisions of this chapter; the instructions shall be updated periodically;

(3) provide assistance to persons in complying with the provisions of this chapter;

(4) prepare and publish an annual report of its activities, findings and recommendations under this chapter, which shall be made available to the governor, legislature and to the public by February 1 of each calendar year;

(5) report suspected violations of this chapter to the attorney general;

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(5) report suspected violations of this chapter to the attorney general.

(b) The commission may

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

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

(3) prepare and publish periodic, but at least quarterly and annually, summaries of the statements and reports received; these summaries shall list separately individual lobbyists and employers of lobbyists.

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(3) prepare, publish, and make available to the public, periodic, but at least quarterly and annually, summaries of the statements and reports received; these summaries shall list separately individual lobbyists and employers of lobbyists.

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ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

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Sec. 24.45.041. REGISTRATION. (a) Before engaging in lobbying or within 10 days after being employed as a lobbyist, whichever occurs first, a lobbyist shall file a registration statement on a form prescribed by the commission.

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(b) The registration form prescribed by the commission shall be accompanied by four 2 1/2 inch by 2 1/2 inch black and white photographs of himself which are not more than five years old and a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts for lobbying services and shall include

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(b) The registration form prescribed by the commission shall include

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

(2) the full name and complete address of each person, as prescribed in (1) of this subsection, by whom the lobbyist is retained or employed;

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

(4) the duration of his employment and the date on which the lobbyist expects his lobbying to end;

(5) the lobbyist's compensation for engaging in lobbying, including salary, fees or reimbursement for expenses received in consideration for, or directly in support of or in connection with, the influencing of legislative or administrative action;

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

SENATE

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

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

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

} Senate deleted this provision.

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

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

(7) the full name and complete address of the person who has custody of the accounts, books, papers, bills, receipts and other documents required to be maintained under this chapter.

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

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

(e) Each lobbyist shall renew his registration annually by filing a new registration statement together with a new authorization to act as a lobbyist within 10 days after the convening of each regular session of the legislature. The lobbyist also shall file any reports or statements he has failed to file for a previous reporting period. The commission may not renew lobbying credentials until this provision is complied with.

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(6) the full name and complete address of the person, other than the registrant, who has custody of the accounts, books, papers, bills, receipts and other documents required to be maintained under this chapter.

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

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

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

Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41 of this chapter shall file with the commission a report concerning his activities during each reporting period prescribed in sec. 101 of this chapter, so long as the lobbyist continues to engage in lobbying activities. The report shall be made on a form prescribed by the commission and filed in accordance with secs. 91 and 101 of this chapter. The report also shall include any changes in the information required to be supplied under sec. 41(b) of this chapter and the following information for the reporting period, as applicable:

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

23 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec.
24 of this chapter shall file with the commission a report concerning
25 activities during each reporting period prescribed in sec. 71 of the
26 chapter, so long as the lobbyist continues to engage in lobbying ac-
27 tivities. The report shall be made on a form prescribed by the commiss-
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
1 supplied under sec. 41(b) of this chapter and the following informat-
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 sal-
5 fees, and reimbursement of expenses, received in consideration for or
6 directly or indirectly in support of or in connection with influence
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;

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

(A) food and beverages; in this category of disbursements or expenditures, if more than \$100 a month in the aggregate is disbursed or expended on behalf of any one public official or candidate, the full name of the person and his official position, if any, who received the food or beverages and the amount paid for each person shall be stated;

- (B) living accommodations;
- (C) travel;

(3) the date and nature of any gift exceeding \$10 in value made to a public official or candidate and the full name and official position of that person;

(4) the name and official position of each public official, candidate and the name of each member of the immediate family of any of these officials or candidates with whom the lobbyist has engaged in an exchange of money, goods, services or anything of more than \$50 in value and the nature and date of each of these exchanges and the monetary values exchanged;

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
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
24 date of each of these exchanges and the monetary values exchanged;

(5) the name and address of any business entity in which the lobbyist knows or has reason to know that a public official or candidate is a proprietor, partner, director, officer or manager, or has more than a 50 per cent ownership interest, with whom the lobbyist has engaged in an exchange of money, goods, services, or anything of value and the nature and date of each exchange and the monetary value exchanged if the total value of these exchanges is \$500 or more in a calendar year;

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(6) the date and amount of each contribution, as defined in AS 15.13.130(2), made to a public official or candidate by the lobbyist and the name and official position of the person to whom the contribution was made; and

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

(5) the name and address of any business entity in which the lobbyist knows or has reason to know that a public official is proprietor, partner, director, officer or manager, or has a controlling interest, with whom the lobbyist has engaged in an exchange of money, goods, services, or anything of value and the nature and date of each exchange and the monetary value exchanged if the total value of the exchanges is \$100 or more in a calendar year; and

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Senate deleted all requirement that lobbyists report contributions to public officials.

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

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Sec. 24.45.061. REPORTS BY EMPLOYERS OF LOBBYISTS. A person

who employs, retains or who contracts for the services of one or more lobbyists whether independently or jointly with other persons and a person who directly or indirectly makes payments to influence legislative or administrative action of \$100 or more in value in a calendar month when the legislature is in session or \$300 or more in value in a calendar quarter when the legislature is not in session, shall file a quarterly report containing

- (1) the full name, complete business address and telephone number of the person making the report;
- (2) information sufficient to identify the nature and interests of the person making the report, including
 - (A) if the maker is an individual, the name and address of his employer, if any, or his principal place of business if he is self-employed, and a description of the business or professional activity in which he or his employer is engaged;
 - (B) if the maker is a business entity, a description of the business activity in which it is engaged;
 - (C) if the maker is an industry, trade or professional association, a description of the industry, trade or profession including a specific description of any portion or faction of the industry, trade or profession which the association exclusively or primarily represents and, if the association has less than 50 members, the names of the members; or

Senate deleted requirement that lobbyists' employers, or anyone even tho not registered but who makes expenditures for influencing legislative or administrative action report.

(D) if the maker is none of those listed in (A) - (C) of this paragraph, a statement of the person's nature and purposes, including a description of any industry, trade, profession or other group with a common economic interest which the person principally represents or from which its membership or financial support is principally derived; however, the information required by (A) - (D) of this paragraph need be stated only in the first report filed during a calendar year, except that subsequent reports must reflect changes in this information previously reported;

(3) the total amount of payments made to influence legislative or administrative action during the period, and the name and address of each person to whom these payments in an aggregate amount or value of \$100 or more have been made during the period by the maker of the report, together with the date, amount and a description of the consideration received for each expenditure, and the full name of the beneficiary of each expenditure if other than the maker or the payee;

(4) the name and official position of each public official or candidate and the name of each member of the immediate family of any official or candidate with whom the maker of the report has engaged in an exchange of money, goods, services or anything of value, the nature and date of each such exchange and the monetary value exchanged, if the fair market value of either side of the exchange was \$500 or more;

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(5) the name and address of any business entity in which the person making the report knows or has reason to know that a public official or candidate is a proprietor, partner, director, officer, manager or has more than a 50 per cent ownership interest, with whom the person making the report has engaged in an exchange or exchanges of money, goods, services or anything of value and the nature and date of each exchange and the monetary value exchanged, if the total value of the exchange or exchanges is \$500 or more in a calendar year;

(6) the date and amount of each contribution as defined in § 15.13.130(2), made to a public official or candidate by the person making the report and the name and official position of the recipient of each contribution;

(7) the date and nature of any gift exceeding \$10 in value made to any public official or candidate and the full name and official position of the recipient of each gift;

(8) a specific description of legislative or administrative action which the person making the report has attempted to influence;

(9) the name of each lobbyist employed or retained by the person making the report, together with the total amount paid to each lobbyist and the portion of that amount, if any, which was paid for specific purposes, including salary, fees, and reimbursement for expenses, in the categories set out in sec. 51(2) of this chapter;

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

(11) any other information required by the commission consistent with the purposes and provisions of this chapter.

(11)

Sec. 24.45.081. DISCLOSURE OF CERTAIN-RELATIONSHIPS REQUIRED. If person registered, or required to be registered, as a lobbyist under this chapter, or a person who employs or retains a lobbyist, employs or retains a public official or candidate, and if that official or candidate remains in the partial or full-time employ of the state or an agency of it, the lobbyist, or employer of a lobbyist, shall file a statement with the commission setting out the name, address and official position of the person employed, retained or paid, the nature of the employment and the amount of pay or consideration to be paid. The statement shall be filed within 10 days after the beginning of that employment or the assumption of public office or employment.

Senate deleted provision requiring disclosure of public officials employment or retention by lobbyist or the lobbyist's employer

Sec. 24.45.091. CERTIFICATION OF REPORTS. Every statement or report required to be filed under this chapter shall identify the full name of the person preparing it, his complete address and telephone number, and shall be certified as complete and correct, both by the person preparing it and by the person on whose behalf it is filed.

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

Sec. 24.45.101. REPORTING PERIODS. Reports required under this chapter shall be filed by the 10th day of the calendar month following each calendar month during any part of which the legislature was in session and by the 10th day of the month following each calendar quarter when the legislature was not in session. However, if a lobbyist registered under this chapter has declared that he seeks only to influence administrative action and not legislative action he need only file a report required under this chapter for each calendar quarter. If a public official or candidate for elective public office who is subject to the provisions of sec. 71 of this chapter is an officer or employee of an agency in the executive branch, or a candidate for elective public office in that branch, he need only file a report required under that section for each calendar quarter. The period covered shall be the calendar month or the calendar quarter, as applicable, and shall in any event cover the period from the date of the last report filed under this chapter to the date of the end of the calendar month or quarter, as applicable, for which the report is being filed. The period covered shall not include any months covered in previous reports filed by the same person. When total amounts are required to be reported, totals shall be stated both for the period covered by the statement and for the entire calendar year to date.

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

Sec. 24.45.111. PUBLICATION OF REPORTS. Copies of the statements and reports filed under this chapter shall be made available to the public at the commission's central office, the office of the lieutenant governor, the legislative reference library of the Legislative Affairs Agency, and at the commission's district offices prescribed in AS 15.020(j) as soon as practicable after each reporting period.

Sec. 24.45.121. PUBLIC RECORDS. Statements and reports filed under this chapter are public records and shall be available for public inspection and copying during normal business hours at the expense of the person requesting copies; however, the charge for copying may not exceed actual cost to the commission.

Sec. 24.45.131. PRESERVATION OF RECORDS. (a) A person required to register or report as a lobbyist or as an employer of a lobbyist shall preserve all accounts, bills, receipts, books, papers and documents necessary to substantiate the reports required to be made and filed under this chapter for a period of at least six years from the date of the filing of the report containing these items. These accounts, bills, receipts, books, papers and other documents shall be made available for inspection by the commission, or members of its staff, at any time. If a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of these records under this section rests with the employer.

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.
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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
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,
17 members of its staff, at any time. If a lobbyist is required under
18 terms of his employment contract to turn any records over to his employer,
19 responsibility for the preservation of these records under this
20 section rests with the employer.

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

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

ARTICLE 4. ENFORCEMENT.

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Sec. 24.45.141. PROHIBITIONS. (a) No lobbyist may

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

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

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

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

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

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

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

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

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

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

(5) cause a communication to be sent to a public offic in the name of any fictitious person or in the name of any real p except with the consent of that person;

(6) represent falsely either directly or indirectly that he can control the official action of a public official or candidate;

→ Senate deleted this provision.

(7) accept or agree to accept any payment in any way contingent upon the defeat, enactment or outcome of any proposed legislative or administrative action.

(6) accept or agree to accept any payment in any way c tingent upon the defeat, enactment or outcome of any proposed leg lative or administrative action.

(b) No person may knowingly receive or accept a contribution or gift made unlawful under (a)(2) of this section.

→ Senate deleted this provision.

(c) No person may employ for pay or any consideration, or pay or agree to pay consideration to, a person to lobby who is not registered under of this chapter except upon condition that the person register and that person does in fact so register as soon as practicable after being employed to lobby.

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

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21 Sec. 24.45.151. 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
8 section.

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

21 Sec. 24.45.121. EXAMINATION OF STATEMENTS, REPORTS. (a) The
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1 qualified voter alleging that a statement or report filed with the
2 commission does not conform to the requirements of this chapter, or
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 then
7 after conduct a hearing, into an allegation under (a)(2) of this sect

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

Sec. 24.45.161. CIVIL PENALTIES. (a) If a lobbyist violates any of the applicable provisions of this chapter, his registration credentials may be suspended or revoked by the commission after a hearing, and he may be enjoined by the superior court from receiving compensation or making disbursements or expenditures for lobbying activities. However, the imposition of sanctions or penalties under this section or sec. 171 or 181 of this chapter does not excuse the lobbyist, employer of a lobbyist, or sponsor from filing statements or reports required by this chapter.

(b) A person who pays compensation to a lobbyist, reimburses a lobbyist for all or part of his expenses, or makes disbursements or expenditures to solicit others to lobby, and who fails to make and file report of this compensation, reimbursement, disbursement or expenditure under sec. 61 of this chapter, is, in addition to any other penalty provided by law, subject to a civil penalty of up to three times that compensation, reimbursement, disbursement or expenditure.

(c) A person who receives any payment, compensation, or reimbursement for expenses for activity as a lobbyist and who fails to register or to make and file a report under of this chapter is, in addition to any other penalty prescribed by law, subject to a civil penalty of up to three times that payment, compensation or reimbursement.

(d) A person who fails to report payments, compensation, gifts, contributions, or expenditures required to be reported under this chapter is subject to a civil penalty of up to three times the amount he failed to report. A person who pays, receives or accepts the prohibited compensation or who makes, receives or accepts a prohibited gift, contribution or expenditure is subject to a civil penalty of up to three times the prohibited or unlawful amount.

Senate deleted civil penalties section.

(e) A person who fails to file a properly completed and certified report or statement within the time required by this chapter is subject to a civil penalty of \$10 a day for each day the delinquency continues.

Sec. 24.45.171. INJUNCTIVE RELIEF. The superior court may enjoin a person to prevent the doing of any act prohibited by this chapter or to compel the performance of any act required by this chapter.

Sec. 24.45.181. CRIMINAL PENALTIES. (a) An individual who knowingly violates any provisions of this chapter, whether acting for himself, on behalf of an employer or in concert with other persons, or who knowingly causes, participates in, aids, abets, ratifies or confirms any violation of a provision of this chapter is, upon conviction, punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both.

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

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

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

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

ARTICLE 5. GENERAL PROVISIONS.

Sec. 24.45.191. EXEMPTIONS. (a) This chapter does not apply to

(1) an individual

(A) who lobbies without payment of compensation or other consideration; or

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

(2) an elected state or municipal public officer or an employee of the state or a municipality acting in his official capacity within the scope of his employment, except as provided in sec. 71 of this chapter;

ARTICLE 5. GENERAL PROVISIONS.

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

(1) an individual

(A) who lobbies without payment of compensation or other consideration and makes no disbursement or expenditure for or on behalf of a public official to influence legislative or administrative action other than to pay his reasonable personal travel and living expenses; and

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

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

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

(4) a person who appears before the legislature or either house, or standing, special or interim committee, in response to an invitation issued under (c) of this section.

(b) Nothing in this chapter may be construed as prohibiting or affecting the rendering of professional services in drafting legislative measures or in advising clients and in rendering opinions as to the construction or effect of proposed or pending legislative or administrative action where these professional services are not otherwise connected with influencing or attempting to influence legislative or administrative action. Nor does anything in this chapter prevent members of the legislature from discussing with constituents the advisability of passing legislation then pending before, or proposed to be presented to, the legislature.

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

(4) a person who appears before the legislature or either house, or standing, special or interim committee, in response to an invitation issued under (c) of this section.

(b) Nothing in this chapter may be construed as prohibiting or affecting the rendering of professional services in drafting legislative measures or in advising clients and in rendering opinions as to the construction or effect of proposed or pending legislative or administrative action where these professional services are not otherwise connected with influencing or attempting to influence legislative or administrative action. Nor does anything in this chapter prevent members of the legislature from discussing with constituents the advisability of passing legislation then pending before, or proposed to be presented to, the legislature.

(c) Either house of the legislature by resolution, or both houses of the legislature by concurrent resolution may invite a person to appear to speak before the legislature or either house with reference to any pending matter. A standing, special or interim committee of either house of the legislature may, upon the concurrence of a majority of its members, extend a written invitation to any person to appear before the committee to give information in regard to, or explain, any matter pending before the committee.

Senate added this provision. }

Sec. 24.45.201. DEFINITIONS. In this chapter
(1) "administrative action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by any state agency of any rule, regulation, order, decision, determination, or any other quasi-legislative or quasi-judicial action or proceeding whether or not governed by the Administrative Procedure Act (AS 44.62);
(2) "agency" means a state department, division, commission, board, office, bureau, institution, corporation, authority, organization, committee, council or board in the executive branch, or independent of the executive branch, of state government;

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

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

Sec. 24.45.151. DEFINITIONS. In this chapter
(1) "administrative action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by any state agency of any rule, regulation, order, decision, determination, or any other quasi-legislative or quasi-judicial action or proceeding whether or not governed by the Administrative Procedure Act (AS 44.62);
(2) "agency" means a state department, division, commission, board, office, bureau, institution, corporation, authority, organization, committee, council or board in the executive branch, or independent of the executive branch, of state government;

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(3) "candidate" means an individual who is listed on the ballot or who is a write-in candidate at any election for nomination for or election to an elective public office, or who receives a contribution or makes an expenditure or gives his consent for any other person to receive a contribution or make an expenditure with a view to bringing about his nomination or election to elective public office, whether or not the specific elective public office for which he will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he has announced his candidacy or filed a declaration of candidacy at the time the contribution is made or offered; "candidate" also includes an elective public official who is the subject of a recall election;

State deleted application to candidates for elective public offices covered by this act.

(4) "gift"

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

(B) includes but is not limited to:

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

(ii) the purchase of tickets for travel or for entertainment events; and

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

(C) does not include:

(i) informational or promotional materials, including but not limited to books, reports, pamphlets, calendars or periodicals; however, payments for travel or reimbursement for expenses may not be considered "informational material";

(ii) food and beverages consumed in places of public accommodation.

(5) "immediate family" means the spouse and dependent children of an individual;

(6) "individual" means a natural person;

(7) "influencing legislative or administrative action" means promoting, advocating, supporting, modifying, opposing or delaying or seeking to do the same with respect to any legislative or administrative action by means including but not limited to the provision or use of information, statistics, studies, analyses in written or oral form or format;

(3) "gift"

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

(B) includes but is not limited to:

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

(ii) the purchase of tickets for travel or for entertainment events; and

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

(C) does not include:

(i) informational or promotional materials, including but not limited to books, reports, pamphlets, calendars or periodicals; however, payments for travel or reimbursement expenses may not be considered "informational material";

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

(4) "immediate family" means the spouse and dependent children of an individual;

(5) "individual" means a natural person;

(6) "influencing legislative or administrative action" means promoting, advocating, supporting, modifying, opposing or delaying or seeking to do the same with respect to any legislative or administrative action by means including but not limited to the provision or use of information, statistics, studies, analyses in written or oral form or format;

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

(9) "lobbyist" means a person who is employed and receives payments, or who contracts for economic consideration, other than reimbursement for reasonable travel and his living expenses, to communicate directly or through his agents with any public official or candidate for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislative or administrative action or a person who represents himself as engaging in that communication as a business, occupation or profession;

(10) "payment" means the disbursement, distribution, transfer, loan, advance, deposit, gift or other rendering or tendering of money, property, goods or services or anything else of value, whether tangible or intangible;

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

(8) "lobbyist" means
 (A) a person who is employed and receives payments, who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, to communicate directly or through his agents with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which he receives consideration is for the purpose of influencing legislative or administrative action; or

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

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

(11) "payment to influence legislative or administrative action" means any of the following:

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

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

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

(D) a payment, including compensation, payment or reimbursement for the services, time or expenses of an employee for or in connection with direct communication with a public official or candidate;

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

(12) "person", in addition to the terms set out in AS 01.10.060(7), includes a labor union; and

(13) "public official" means the governor, lieutenant governor, governor-elect or lieutenant governor-elect, or a member or member-elect of the legislature; or, an officer, employee, or member of an agency or an employee of the legislature acting in the exercise of his official duties or responsibilities, other than in a purely clerical or ministerial capacity.

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(10) "payment to influence legislative or administrative action" means any of the following:

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

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

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

(D) a payment, including compensation, payment or reimbursement for the services, time or expenses of an employee for or in connection with direct communication with a public official;

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

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

(11) "person", in addition to the terms set out in AS 01.10.060(7), includes a labor union; and

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

Sec. 24.45.211. SHORT TITLE. This chapter may be cited as the Regulation of Lobbying Act.

c. 3. AS 15.13.030(8) is amended to read:

(8) examine, investigate and compare all reports, statements and actions required by this chapter, AS 24.45 and AS 39.50 and to report to the attorney general the names of all persons or groups which the commission has substantial reason to believe have violated this chapter;

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

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

c. 5. AS 39.50.030 is amended by adding a new subsection to read:

(d) Each statement filed by a public official, or a candidate for elective public office, as defined in AS 24.45.191(13), who (1) is subject to this chapter, (2) is employed or retained by a lobbyist or employer of a lobbyist subject to AS 24.45 (Regulation of Lobbying), and (3) is in the partial or full-time employ of the state or an agency or unit, shall include in the statement filed under this chapter the name, address and official position of the lobbyist or employer of the lobbyist who has employed, retained or paid that public official or candidate, the nature of the employment and the amount of pay or consideration to be paid.

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Sec. 24.45.¹⁰¹~~201~~. SHORT TITLE. This chapter may be cited as the Regulation of Lobbying Act.

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

(8) examine, investigate and compare all reports, statements and actions required by this chapter, AS 24.45 and AS 39.50 and to report to the attorney general the names of all persons or groups which the commission has substantial reason to believe have violated this chapter;

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

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

Senate deleted this provision when it deleted provision for disclosure of employment relationships with lobbyists.

House version includes no comparable provision.

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* Sec. 5. AS 39.50.050 is amended by adding a new subsection to read:
(d) To facilitate the filing of reports under AS 24.25 (Regulation of Lobbying) and the information required to be provided under AS 24.051(4) and (5), the commission shall publish copies of the reports required under this chapter not later than the convening of each regular session of the legislature. Copies of this publication shall be provided on request; however, the commission may make a charge for the publication which may not exceed the actual cost of printing, postage and handling.

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

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

Sec. 7. This Act takes effect July 1, 1976. However, the initial reports required under AS 24.45.051 - 24.45.091 are due for the reporting period beginning January 1, 1977, and shall be filed not later than February 10, 1977.

* Sec. 7. This Act takes effect July 1, 1976. However, the initial reports required under AS 24.45.051 - 24.45.091 are due for the reporting period beginning January 1, 1977, and shall be filed not later than February 10, 1977.

1. Retain existing Provisions of law
(A) Report by employers
2. Add disclosure & conflict
Common ~~to~~ penalty provision

Bob Byrnes

Original sponsors: Parker, Bradley,
Gardiner, et al

Offered: *5/7/64*
Referred: *Rules*

FREE CONFERENCE
BY THE ~~COMMERCE~~ COMMITTEE

1 IN THE HOUSE

FREE CONFERENCE CS FOR

2 SENATE CS FOR CS FOR HOUSE BILL NO. 522 ~~Am 8~~

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

Alaska Public Offices Commission

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
be accompanied by a written authorization to act as a lobbyist
from each person by whom he is employed or with whom he contracts
for lobbying services and 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) At the option of the registrant under this ^{Chapter} ~~section~~, the
3 registration form may be accompanied by four 2-1/2 inch by 2-1/2 inch
4 black and white photographs of the lobbyist. The photographs may not
5 be more than five years old. These photographs shall be included in
6 the directory published under (e) of this section.

7 (d) If a change occurs in any of the information contained in a
8 registration statement filed under (a) of this section, or in any
9 accompanying document, an appropriate amendment shall be filed with the
10 commission within 10 days after the change.

11 (e) Within 45 days after the convening of each regular session of
12 the legislature, the commission shall publish a directory of registered
13 lobbyists, containing the information prescribed in (b) of
14 this section ^{and the photographs, if any, furnished by a lobbyist under (c) of this section} for each lobbyist. From time to time thereafter the
15 commission shall publish those supplements to the directory that in the
16 commission's judgment may be necessary. The directory shall be made
17 available to public officials and to the public at the following loca-
18 tions: a public place adjacent to the legislative chambers in the state
19 capitol building, the office of the lieutenant governor, the legislative
20 reference library of the Legislative Affairs Agency and the commission's
21 central office.

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

28 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41
29 of this chapter shall file with the commission a report concerning his
activities during each reporting period prescribed in sec. 71 of this
chapter, so long as the lobbyist continues to engage in lobbying activi-
ties. The report shall be made on a form prescribed by the commission
and filed in accordance with secs. 61 and 71 of this chapter. The
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. REPORTS BY EMPLOYERS OF LOBBYISTS ~~OTHER PERSONS~~.

7 A person who employs, retains or who contracts for the services of one
8 or more lobbyists, whether independently or jointly with other persons,
9 ~~or any other person who is not registered as a lobbyist under this~~
10 ~~chapter but who~~ ^{and} directly or indirectly ^{makes} payments to
11 influence legislative or administrative action, shall file a quarterly
12 report containing

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

15 (2) information sufficient to identify the nature and inter-
16 ests of the person making the report, including

17 (A) if the maker is an individual, the name and address
18 of his employer, if any, or his principal place of business if he
19 is self-employed, and a description of the business or professional
20 activity in which he or his employer is engaged;

21 (B) if the maker is a business entity, a description of
22 the business activity in which it is engaged;

23 (C) if the maker is an industry, trade or professional

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association, a description of the industry, trade or profession including a specific description of any portion or faction of the industry, trade or profession which the association exclusively or primarily represents ~~and, if the association has less than 20 members, the names of the members;~~ or

(D) if the maker is none of those listed in (A) - (C) of this paragraph, a statement of the person's nature and purposes including a description of any industry, trade, profession or other group with a common interest which the person principally represents or from which its membership or financial support is principally derived; however, the information required by (A) - (D) of this paragraph need be stated only in the first report filed during a calendar year, except that subsequent reports must reflect changes in this information previously reported;

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

~~(4) a verification of the information contained in a report filed under sec. 51 of this chapter by a lobbyist employed or retained by the person making the report;~~

~~(5) the date and nature of any gift exceeding \$50 in value made to any public official and the full name and official position of the recipient of each gift;~~

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(6) a general description of legislative or administrative action which the person making the report has attempted to influence;

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(7) the name of each lobbyist employed or retained by the

1 person making the report, together with the total amount paid to each
 2 lobbyist and the portion of that amount, if any, which was paid for
 3 specific purposes, including salary, fees, and reimbursement for ex-
 4 penses / in the categories set out in sec. 51(2) of this chapter; ~~a~~
 5 ~~person, other than the registered lobbyist or employer of a lobbyist,~~
 6 ~~who makes direct or indirect payments to influence legislative or~~
 7 ~~administrative action shall list the amount paid for expenses in the~~
 8 ~~categories set out in sec. 51(2) of this chapter;~~

9 (8) a notice of termination if the person filing a report has
 10 ceased employing or retaining a lobbyist registered under this chapter
 11 and if this report constitutes the final report of the lobbyist's
 12 activities on behalf of the maker of the report; and

13 (9) any other information required by the commission consis-
 14 tent with the purposes and provisions of this chapter.

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6 Sec. 24.45.⁰⁷¹~~067~~. 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. 24.45.⁰⁸¹~~77~~. 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. 24.45.⁰⁹¹~~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. 24.45¹⁰¹~~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. 24.45¹¹¹~~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. 24.45¹²¹~~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.

9
 10 Sec. 24.45.141. CIVIL PENALTIES. ~~§~~

23 ~~§~~ A person who fails ^{to register} to file a properly completed and certified
 24 report or statement ^{as applicable} within the time required by this chapter is subject
 25 to a civil penalty of \$10 a day for each day the delinquency continues.

14 ~~§~~ However, the imposition of ^(the penalties prescribed in § 24.45.141) ~~sanctions or penalties under~~ this section or
 29 ~~§ 24.45.141~~ ¹⁵¹ of this chapter does not excuse the lobbyist ^{or} employer
 1 of a lobbyist ~~from~~ from filing statements or reports required by
 2 this chapter.
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 11 Sec. 24.45.142. ¹⁵⁷ 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.

ARTICLE 5. GENERAL PROVISIONS.

Sec. 24.45.161 EXEMPTIONS. (a) This chapter does not apply to

(1) an individual

(A) who lobbies without payment of compensation or other consideration and makes no disbursement or expenditure for or on behalf of a public official to influence legislative or administrative action other than to pay his reasonable personal travel and living expenses; and

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

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

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

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

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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. ⁷¹~~54~~. DEFINITIONS. In this chapter

23 (1) "admin⁷¹istrative action" means the proposal, drafting,
24 development, consideration, ⁵⁴amendment, 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 ~~as provided in sec. 14(2) of this chapter.~~

25 Sec. 24.45.¹⁸¹~~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).

6 * Sec. 5. AS 15.13 is amended by adding a new section to read:

7 Sec. 15.13.125. CIVIL PENALTY: LATE FILING OF REQUIRED REPORTS.

8 A person who fails to file a properly completed and certified report
9 sec. 110(a)(1), (2), (4), (b) and (d) within the time required by this chapter is subject to a civil penalty
10 of \$10 a day for each day the delinquency continues. A person who fails
11 to file a properly completed and certified report within the time required by sec. 110(a)(2) of
12 this chapter is subject to a civil penalty of \$50 a day for each day the
13 delinquency continues.

8 * Sec. ⁶5. 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.

21 * Sec. 7. AS 39.50 is amended by adding a new section to read:

22 Sec. 39.50.065. CIVIL PENALTY: LATE FILING OF REQUIRED REPORTS.

23 A person who fails to file a properly completed and certified report
24 within the time required by this chapter is subject to a civil penalty
25 of \$10 a day for each day the delinquency continues.
26

17 * Sec. ⁸8. 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.

Sections 5 and 7 of this Act take effect immediately in accordance with AS 01.10.070(c). Sections 1 - 4, 6 and 8 *of*

21 * Sec. 7. This Act takes effect July 1, 1976. However, the initial re-
 22 ports required under AS 24.45.051 - 24.45.⁰⁶¹~~051~~ are due for the reporting
 23 period beginning January 1, 1977, and shall be filed not later than Febru-
 24 ary 10, 1977.
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Sec. 24.45.211. SHORT TITLE. This chapter may be cited as the Regulation of Lobbying Act.

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

(8) examine, investigate and compare all reports, statements and actions required by this chapter, AS 24.45 and AS 39.50 and to report to the attorney general the names of all persons or groups which the commission has substantial reason to believe have violated this chapter;

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

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

5. AS 39.50.030 is amended by adding a new subsection to read:

(d) Each statement filed by a public official, or a candidate for elective public office, as defined in AS 24.45.191(13), who (1) is subject to this chapter, (2) is employed or retained by a lobbyist or employer of a lobbyist subject to AS 24.45 (Regulation of Lobbying), and (3) is in the partial or full-time employ of the state or an agency in which it, shall include in the statement filed under this chapter the name, address and official position of the lobbyist or employer of the lobbyist who has employed, retained or paid that public official or candidate, the nature of the employment and the amount of pay or consideration to be paid.

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Sec. 24.45.¹⁶¹~~201~~. SHORT TITLE. This chapter may be cited as the Regulation of Lobbying Act.

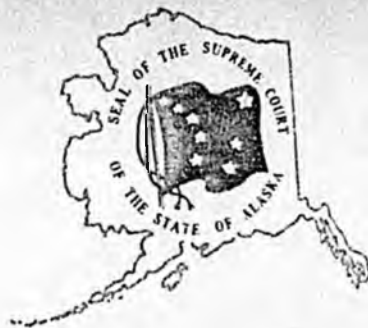
* Sec. 3. AS 15.13.030(8) is amended to read:

(8) examine, investigate and compare all reports, statements and actions required by this chapter, AS 24.45 and AS 39.50 and to report to the attorney general the names of all persons or groups which the commission has substantial reason to believe have violated this chapter;

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

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

*OK
Senate deleted this provision when it deleted provision for disclosure of employment relationships with lobbyists.*



Alaska Court System

State of Alaska

303 "K" STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

May 19, 1976

Honorable Bill Parker
Chairman, House Rules Committee
Pouch V
Juneau, Alaska 99811

Re: SCS CSNB 522 am S (relating to the regulation
of lobbyists)

Dear Representative Parker:

This is in response to your request for comments on House Bill 522 in the form recently passed by the Senate. I am sure you are familiar with the major changes that the Senate has made in this bill, such as the deletion of the reporting requirement by employers of lobbyists, and by public officials who receive benefits or contributions from lobbyists, and the elimination of the requirement that lobbyists identify each public official for whom entertainment expenses are paid in excess of \$100. The changes in the bill, however, that we are most concerned with are those that deal with exemptions.

As this bill passed the House, all state and municipal employees were exempt from registering and reporting as lobbyists. Under the Senate version, however, it appears that some public employees who engage in lobbying activities will have to register and report, while others will not. Those public employees who make

direct or indirect payments, or who
[are] reimbursed for expenses, to
influence legislative or administrative
action . . . shall register and report
as a lobbyist

Honorable Bill Parker
May 19, 1976
Page Two

This means that a public employee from Ketchikan or Anchorage who is required to travel to Juneau in order to deal with legislative matters must register and report, while a state employee living in Juneau who engages in exactly the same activity need not register and report.

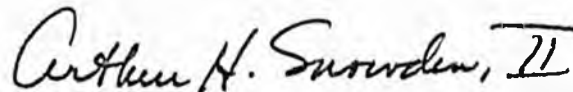
We do not believe, as a matter of policy, that it is necessary to require state or municipal employees to register and report as lobbyists. State travel and per diem are standard, and the vouchers for reimbursement are public records that can be inspected at any time. More significantly, however, we do not believe it is advisable to distinguish between employees who reside in Juneau and those who must travel to Juneau in order to deal with legislative matters. There may, in fact, be a question as to whether this provision violates the equal protection provisions of the Constitution.

Another unresolved problem in the exemption section is whether a state employee who is reimbursed for expenses may nonetheless claim exemption under (a)(4) so long as the employee appears before the legislature in response to invitation. Nor is it clear whether a person who claims exemption under (a)(4) may make payments on behalf of public officials in the categories of food, beverages, etc., without having to register and report. With heavy criminal penalties provided for failure by a covered lobbyist to register and report, questions such as these surrounding the scope and application of the exemptions should be clearly answered in the statute.

In closing, we wish to emphasize that we have no particular objection to registering and reporting as lobbyists. However, if some public employees who engage in activity to influence legislation are required to register and report, then all public employees who engage in such activity should be required to register and report.

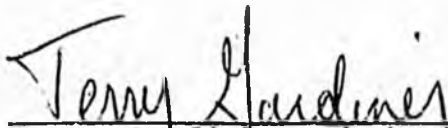
Thank you for allowing me the opportunity to comment on this bill.

Very truly yours,


Arthur H. Snowden, II

Supplemental
Chairman's Report for
CSHB 522 (Judiciary)

The Judiciary Committee is well aware of many individuals who appear before the standing and select committees of the Alaska State Legislature and it is not the intent of the committee to require these individuals to register as lobbyists if their sole attempts to influence legislation are in public meetings of the committees of the legislature. However, individuals who testify at the request of a Committee or on their own behest, in a public meeting are not excluded from this piece of legislation if at any time they attempt to influence legislation outside of a publicly held meeting. In other words the individual who at the request of a Committee Chairman appears before a committee to testify in regards to a specific piece of legislation is not required to register as a lobbyist unless his conduct includes other attempts to influence legislation outside of the public forum. Hence an individual may not after a public hearing contact individual members of the legislature in order to influence legislation without having first registered as a lobbyist.


Terry Gardiner, Chairman
House Judiciary Committee



Chairman's Report for
CSHB 522 (quad)

Section 24.45.061 Reporting By Employers of Lobbyists requires the reporting of the items in (1) through (11) when an employer employs two or more lobbyists and the lobbyists make payments to influence legislative or administrative action of \$100 or more in value in a calendar month when the legislature is in session, or \$300 or more in value in a calendar quarter when the legislature is not in session. Even though the sums spent by individual lobbyist did not total \$100 a calendar month when the legislature is in session, or \$300 a quarter.

In other words, employers of lobbyists are required to aggregate the expenditures of all their lobbyists and make a reporting when such an aggregate exceeds \$100 per calendar month during the legislative session and \$300 per quarter when the legislature is not in session.

Terry Gardiner, Chairman
House Judiciary Committee

A M E N D M E N T

IN THE HOUSE

BY BROWN

TO: CSHB 522 (Judiciary)

Page 4, line 29: after "REPORTS." insert "(a)"

Page 6, between lines 22 and 23, insert:

(b) If during a reporting period prescribed in sec. 101 of this chapter the lobbyist does not have any of the financial data or other information prescribed in (a)(1) - (6) of this section to report, he need not file a report required under (a) of this section. The non-filing of a report for the reporting period constitutes a "zero report" for that period.

Page 6, line 23: after "LOBBYISTS." insert "(a)"

Page 9, between lines 9 and 10, insert:

(b) If during a reporting period prescribed in sec. 101 of this chapter the employer of a lobbyist does not have any of the financial data or other information prescribed in (a)(1) - (11) of this section to report, he need not file a report required under (a) of this section. The nonfiling of a report for the reporting period constitutes a "zero report" for that period.

Feb. 23-24
Milton

Original sponsors: Parker, Bradley
Gardiner, Malone, Miller and Sullivan

Offered: 1/30/76
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 522

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 r ealed.

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 [that relate to current affairs;] and that ^{the people are} to preserve and
21 ~~maintain the integrity of the legislative and administrative processes~~
22 ~~it is essential that the identity, income, expenditures and activities~~
23 ~~of certain persons who engage in efforts to persuade members of the~~
24 ~~legislature or officials or agencies in the executive branch to take~~
25 ~~specific actions.~~ [either by direct communications to these members or
26 officials or by solicitation or employment of others to engage in these
27 efforts, be publicly and regularly disclosed.]

28 ARTICLE 2. ADMINISTRATION.

29 Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be

1 administered by the Alaska Public Offices Commission created under
2 AS 15.13.020(a).

3 (b) The commission shall promulgate regulations under the Adminis-
4 trative Procedure Act (AS 44.62) to implement the provisions of this
5 chapter.

6 Sec. 24.45.031. POWERS AND DUTIES. (a) In addition to its other
7 duties under this chapter, the commission shall

8 (1) prescribe the forms for registration, reports, statements,
9 notices and other documents required by this chapter;

10 (2) prepare and publish [a manual and] instructions setting
11 out the methods of accounting, bookkeeping and preservation of records
12 required to facilitate compliance with and enforcement of this chapter
13 and explaining the duties of persons subject to the provisions of this
14 chapter; [the manual and] instructions shall be updated periodically;

15 (3) provide assistance to persons in complying with the
16 provisions of this chapter;

17 (4) prepare and publish periodic, but at least quarterly
18 and annually, summaries of the statements and reports received; these
19 summaries shall list separately individual lobbyists, employers of
20 lobbyists, or sponsors of grass roots lobbying campaigns;

21 (5) prepare and publish [other] reports it considers appropri-
22 ate, including an annual report of its activities, findings and recom-
23 mendations under this chapter, to the governor, legislature and to the
24 public;

25 (6) report suspected violations of this chapter to the
26 attorney general;

27 (b) The commission may

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

1 (2) in conjunction with (1) of this subsection, issue sub-
2 poenas, compel the attendance and testimony of witnesses, administer
3 oaths and affirmations, and require the production of books, papers,
4 records, documents or other items material to the commission's duties or
5 powers under this chapter.

6 (3)
ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

7 Sec. 24.45.041. REGISTRATION. (a) Before engaging in lobbying
8 or within 10 days after being employed as a lobbyist, whichever occurs
9 first, a lobbyist shall file a registration statement on a form pre-
10 scribed by the commission.

11 (b) The registration form prescribed by the commission shall be
12 accompanied by a ^{2 1/2 x 2 1/2} 3-inch by 4-inch black and white photograph of himself
13 which is not more than five years old and a written authorization to act
14 as a lobbyist from each person by whom he is employed or with whom he
15 contracts for lobbying services and shall include

16 (1) the lobbyist's full name and complete permanent residence
17 and business address and telephone number, as well as any temporary
18 residential and business address and telephone number in the state
19 capital during a legislative session;

20 (2) the full name and complete address of each person, as
21 prescribed in (1) of this subsection, by whom the lobbyist is retained
22 or employed, or on whose behalf the registrant lobbies, advocates
23 legislative or administrative action, or engages in the influencing of
24 legislative or administrative action;

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

1 (4) the duration of his employment and the date on which the
2 lobbyist expects his lobbying to end;

3 (5) the lobbyist's compensation for engaging in lobbying,
4 including salary, fees or reimbursement for expenses received in con-
5 sideration for, or directly in support of or in connection with, the
6 influencing of legislative or administrative action;

7 (6) a general description of the subjects or matters on which
8 the registrant expects to lobby or to engage in the influencing of
9 legislative or administrative action;

10 (7) the full name and complete address of the person who has
11 custody of the accounts, books, papers, bills, receipts and other docu-
12 ments required to be maintained under this chapter.

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

17 ~~(d) Within 45 days after the convening of each regular session of
the legislature, the commission shall publish a directory of registered
lobbyists, containing the photograph and the information prescribed in
18 (b) of this section for each lobbyist. From time to time thereafter the
commission shall publish those supplements to the directory that in the
commission's judgment may be necessary. The directory shall be made
available to public officials and to the public.~~

19 (e) Each lobbyist shall renew his registration annually by filing
a new registration statement together with a new authorization to act as
a lobbyist within 10 days after the convening of each regular session of
the legislature. The lobbyist also shall file any reports or statements
he has failed to file for a previous reporting period. The commission
may not renew lobbying credentials until this provision is complied

*Change to
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2 *Deleted* → (f) ~~Each registered lobbyist shall file a notice of termination~~
3 ~~with the commission within 30 days after he ceases the lobbying activity~~
4 ~~which required his registration under this chapter.~~

5 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41
6 of this chapter shall file with the commission a report concerning his
7 activities during each preceding calendar month while the legislature is
8 in session, and during each preceding calendar quarter when the legis-
9 lature is not in session, so long as the lobbyist continues to engage in
10 lobbying activities. The report shall be made on a form prescribed by
11 the commission and filed in accordance with secs. 101 and 111 of this
12 chapter. The report also shall include any changes in the information
13 required to be supplied under sec. 41(b) of this chapter and the fol-
14 lowing information for the preceding calendar month or quarter, as
15 applicable:

16 (1) the source of income, as defined in AS 39.50.200(8) and
17 the monetary value of all payments, including but not limited to
18 salary, fees, and reimbursement of expenses, received in consideration
19 for or directly or indirectly in support of or in connection with
20 influencing legislative or administrative action, and the full name and
21 complete address of each person from whom amounts or things of value
22 have been received and the total monetary value received from each
23 person;

24 (2) the aggregate amount of disbursements or expenditures
25 made or incurred during the period, ^{in addition to (1)} by the lobbyist, or on behalf of the
26 lobbyist by his employer in the following categories:

27 (A) food and beverages; in this category of disburse-
28 ments or expenditures, if more than \$100 a month in the aggregate
29 is disbursed or expended on behalf of any one public official or

1 candidate, the full name of the person and his official position,
2 if any, who received the food or beverages and the amount paid for
3 each person shall be stated;

4 (B) living accommodations;

5 (C) travel;

6 (3) the date and nature of any gift exceeding \$10 in value
7 made to a public official or candidate and the full name and official
8 position of that person;

9 (4) the name and official position of each public official,
10 or candidate and the name of each member of the immediate family of any
11 of these officials or candidates with whom the lobbyist has engaged in
12 an exchange of money, goods, services or anything of more than \$50 in
13 value and the nature and date of each of these exchanges and the mone-
14 tary values exchanged;

15 (5) the name and address of any business entity in which the
16 lobbyist knows or has reason to know that a public official or candidate
17 is a proprietor, partner, director, officer or manager, or has more than
18 a 50 per cent ownership interest, with whom the lobbyist has engaged in
19 an exchange of money, goods, services, or anything of value and the
20 nature and date of each exchange and the monetary value exchanged if the
21 total value of these exchanges is \$500 or more in a calendar year; and

22 (6) the date and amount of each contribution, as defined
23 in AS 15.13.130(2), made to a public official or candidate by the
24 lobbyist and the name and official position of the person to whom the
25 contribution was made;

26 *(7) state "final report" on final report*
27 Sec. 24.45.061. REPORTS BY EMPLOYERS OF LOBBYISTS. (a) A person
28 who employs, retains or who contracts for the services of one or more
29 lobbyists whether independently or jointly with other persons and a
person who directly or indirectly makes payments to influence legisla-

1 tive or administrative action of \$100 or more in value in a calendar
2 month when the legislature is in session or \$300 or more in value in a
3 calendar quarter when the legislature is not in session, shall file a
4 quarterly report containing

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

7 (2) information sufficient to identify the nature and inter-
8 ests of the person making the report, including

9 (A) if the maker is an individual, the name and address
10 of his employer, if any, or his principal place of business if he
11 is self-employed, and a description of the business or professional
12 activity in which he or his employer is engaged;

13 (B) if the maker is a business entity, a description of
14 the business activity in which it is engaged;

15 (C) if the maker is an industry, trade or professional
16 association, a description of the industry, trade or profession
17 including a specific description of any portion or faction of the
18 industry, trade or profession which the association exclusively or
19 primarily represents and, if the association has less than 50
20 members, the names of the members; or

21 (D) if the maker is ^{none} [neither] of those listed in (A) - (C)
22 of this paragraph, a statement of the person's nature and purposes
23 including a description of any industry, trade, profession or other
24 group with a common economic interest which the person principally
25 represents or from which its membership or financial support is
26 principally derived; however, the information required by (A) - (D)
27 of this paragraph need be stated only in the first report filed
28 during a calendar year, except that subsequent reports must reflect
29 changes in this information previously reported;

1 (3) the total amount of payments made to influence legis-
2 lative or administrative action during the period, and the name and
3 address of each person to whom these payments in an aggregate amount or
4 value of \$100 or more have been made during the period by the maker of
5 the report, together with the date, amount and a description of the
6 consideration received for each expenditure, and the full name of the
7 beneficiary of each expenditure if other than the maker or the payee;

8 (4) the name and official position of each public official or
9 candidate and the name of each member of the immediate family of any
10 official or candidate with whom the maker of the report has engaged in
11 an exchange of money, goods, services or anything of value, the nature
12 and date of each such exchange and the monetary value exchanged, if the
13 fair market value of either side of the exchange was \$500 or more;

14 (5) the name and address of any business entity in which the
15 person making the report knows or has reason to know that a public
16 official or candidate is a proprietor, partner, director, officer,
17 manager or has more than a 50 per cent ownership interest, with whom the
18 person making the report has engaged in an exchange or exchanges of
19 money, goods, services or anything of value and the nature and date of
20 each exchange and the monetary value exchanged, if the total value of
21 the exchange or exchanges is \$500 or more in a calendar year;

22 (6) the date and amount of each contribution as defined in
23 AS 15.13.130(2), made to a public official or candidate by the person
24 making the report and the name and official position of the recipient of
25 each contribution;

26 (7) the date and nature of any gift exceeding \$10 in value
27 made to any public official or candidate and the full name and official
28 position of the recipient of each gift;

29 (8) a specific description of legislative or administrative

1 action which the person making the report has attempted to influence;

2 (9) the name of each lobbyist employed or retained by the
3 person making the report, together with the total amount paid to each
4 lobbyist and the portion of that amount, if any, which was paid for
5 specific purposes, including salary, fees, and reimbursement for ex-
6 penses, in the categories set out in sec. 51(2) of this chapter;

7 (10) any other information required by the commission consis-
8 tent with the purposes and provisions of this chapter.

9 (b) Each person filing a report under this section shall file a
10 notice of termination with the commission within 30 days after he ceases
11 employing or retaining a lobbyist registered under this chapter.

12 Sec. 24.45.071. REPORTS BY PUBLIC OFFICIALS, CANDIDATES. Each
13 public official or candidate shall file with the commission ^{on} a form pre-
14 scribed by it a report for the periods required under sec. 111 of this
15 chapter disclosing the following information for the preceding calendar
16 month or quarter, as applicable:

17 (1) if the official or candidate received in the aggregate
18 more than \$100 a month in food and beverages from any one lobbyist, or
19 employer of a lobbyist, the name of that lobbyist, or employer of ~~that~~
20 lobbyist, and the amount received from each; and

21 (2) the date, nature and source of any gift exceeding \$10 in
22 value received by the public official or candidate from a lobbyist or
23 employer of a lobbyist.

24 Sec. 24.45.081. DISCLOSURE OF CERTAIN RELATIONSHIPS REQUIRED. If
25 a person registered, or required to be registered, as a lobbyist under
26 this chapter, or a person who employs or retains a lobbyist, employs or
27 retains a public official or candidate, and if that official or candi-
28 date remains in the partial or full-time employ of the state or an
29 agency of it, the lobbyist, or employer of a lobbyist, shall file a

1 statement under oath with the commission setting out the name, address
2 and official position of the person employed, retained or paid, the
3 nature of the employment and the amount of pay or consideration to be
4 paid. The statement shall be filed within 10 days after the beginning
5 of that employment. *Brown wants clarification*

6 Sec. 24.45.091. GRASS ROOTS LOBBYING CAMPAIGNS. (a) A person who
7 has made expenditures not reported under any other section of this
8 chapter of \$300 or more a calendar month in the aggregate, or \$1,500 or
9 more a calendar quarter in the aggregate, in presenting a program ad-
10 dressed to the public, a substantial portion of which is intended,
11 designed, or calculated primarily to influence legislative or adminis-
12 trative action, shall be required to register and report under this
13 section as a sponsor of a grass roots lobbying campaign.

14 (b) Within 30 days after becoming a sponsor of a grass roots
15 lobbying campaign, the sponsor shall register by filing with the com-
16 mission a registration statement on a form prescribed by the commission
17 including the following information:

18 (1) the sponsor's full name, complete address and business,
19 occupation or profession and, if the sponsor is not an individual, the
20 full names, complete addresses and titles of the controlling persons or
21 officers responsible for managing the sponsor's affairs;

22 (2) the full names, complete addresses and businesses, occu-
23 pations or professions of all persons organizing, managing or advising
24 the campaign, or employed or retained to do so, including any public
25 relations, advertising or professional campaign management firm partici-
26 pating in the campaign, and the terms of compensation for each of these
27 persons;

28 (3) the purpose of the campaign, including the specific
29 legislative or administrative action which is the subject of the campaign;

1 (4) the full names and complete addresses of all persons
2 contributing more than \$100 to the campaign, and the amount contributed
3 by each person;

4 (5) the totals of all expenditures made or incurred to date
5 on behalf of the campaign; the totals shall be segregated according to
6 the categories set out in sec. 51(2) of this chapter; and the report
7 also shall include disbursements or expenditures made or incurred for
8 the following:

9 (A) consultants, advisors or professional campaign
10 management;

11 (B) printing and mailing expenses;

12 (C) advertising, identifying each form of media employed
13 including but not limited to radio, television, newspapers, peri-
14 odicals or other publications or printed matter.

15 (c) Every person registered under (a) of this section shall file
16 periodic reports with the commission in the same manner and according to
17 the same schedule prescribed for other statements and reports to be
18 filed under this chapter. The reports shall update the information
19 contained in the sponsor's registration statement filed under (b) of
20 this section and shall show contributions received and totals of ex-
21 penditures made during the reporting period in the same manner as
22 provided for in the registration statement.

23 (d) When the grass roots lobbying campaign has been terminated,
24 the sponsor shall file a notice of termination with the final monthly or
25 quarterly report. The notice shall state the totals of all contri-
26 butions and expenditures made on behalf of the campaign in the same
27 manner as prescribed in (b) of this section.

28 Sec. 24.45.101. CERTIFICATION OF REPORTS. Every statement or
29 report required to be filed under this chapter shall identify the full

1 name of the person preparing it, his complete address and telephone
2 number, and shall be certified as complete and correct (~~under oath~~) both
3 by the person preparing it and by the person on whose behalf it is
4 filed.

5 Sec. 24.45.111. REPORTING PERIODS. Reports required under this
6 chapter shall be filed by the 10th day of the calendar month following
7 each calendar month during any part of which the legislature was in
8 session and by the 10th day of the month following each calendar quarter
9 when the legislature was not in session. The period covered shall be
10 the calendar month or the calendar quarter, as applicable, and shall in
11 any event cover the period from the date of the last report filed under
12 this chapter to the date of the end of the calendar month or quarter, as
13 applicable, for which the report is being filed. The period covered
14 shall not include any months covered in previous reports filed by the
15 same person. When total amounts are required to be reported, totals
16 shall be stated both for the period covered by the statement and for the
17 entire calendar year to date.

18 Sec. 24.45.121. PUBLICATION OF REPORTS. The information contained
19 in the reports filed under this chapter shall be published in a joint
20 supplement to the senate and house journals as soon as practicable after
21 each reporting period.

22 Sec. 24.45.131. PUBLIC RECORDS. Statements and reports filed
23 under this chapter are public records and shall be available for public
24 inspection and copying during normal business hours at the expense of
25 the person requesting copies; however, the charge for copying may not
26 exceed actual cost to the commission.

27 Sec. 24.45.141. PRESERVATION OF RECORDS. (a) A person required
28 to register or report as a lobbyist, as an employer of a lobbyist, or as
29 a sponsor of a grass roots lobbying campaign shall preserve all ac-

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1 counts, bills, receipts, books, papers and documents necessary to
2 substantiate the reports required to be made and filed under this chap-
3 ter for a period of at least five years from the date of the filing of
4 the report containing these items. These accounts, bills, receipts,
5 books, papers and other documents shall be made available for inspection
6 by the commission, or members of its staff, at any time. If a lobbyist
7 is required under the terms of his employment contract to turn any
8 records over to his employer, responsibility for the preservation of
9 these records under this section rests with the employer.

10 (b) The commission shall preserve the statements and reports
11 required to be filed under this chapter for a period of five years from
12 the date of filing. If the commission's central office is not in the
13 state capital, copies of all statements and reports filed under this
14 chapter shall be maintained in an office established by the commission
15 in the state capital.

16 ARTICLE 4. ENFORCEMENT.

17 Sec. 24.45.151. PROHIBITIONS. (a) No lobbyist may

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

20 (2) do anything with the ^{intent}~~purpose~~ of placing a public official
21 or candidate under personal obligation to him or to his employer;

22 (3) ^{intentionally} deceive or attempt to deceive any public official or
23 candidate, with regard to any material fact pertinent to pending or
24 proposed legislative or administrative action;

25 (4) cause or influence the introduction of a legislative
26 measure for the purpose of thereafter being employed to secure its
27 defeat;

28 (5) attempt to create a fictitious appearance of public favor
29 or disfavor of any proposed legislative or administrative action or to

1 cause a communication to be sent to a public official or candidate, in
2 the name of any fictitious person or in the name of any real person,
3 except with the consent of that person;

4 (6) represent falsely either directly or indirectly that he
5 can control the official action of a public official or candidate;

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

9 (b) No person may knowingly receive or accept a contribution or
10 gift made unlawful under (a)(~~8~~) of this section.

11 (c) No person may employ for pay or any consideration, or pay or
12 agree to pay consideration to, a person to lobby who is not registered
13 under of this chapter except upon condition that the person register and
14 that person does in fact so register as soon as practicable after being
15 employed to lobby.

16 Sec. 24.45.161. EXAMINATION OF STATEMENTS, REPORTS. (a) The
17 commission or its staff shall examine each statement or report filed
18 under this chapter within 10 days after the date it is filed. A person
19 required to file a statement or report under this chapter shall be noti-
20 fied immediately if

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

24 (2) a written complaint is filed with the commission by any
25 qualified voter alleging that a statement or report filed with the
26 commission does not conform to the requirements of this chapter, or to
27 the truth, or that a person subject to the provisions of this chapter
28 has failed to file a statement or report in the manner prescribed by
29 this chapter.

1 (b) The commission shall conduct an investigation, and may conduct
2 a hearing, into an allegation under (a)(2) of this section.

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

6 Sec. 24.45.171. CIVIL PENALTIES. (a) If a lobbyist or a sponsor
7 of a grass roots lobbying campaign violates any of the applicable
8 provisions of this chapter, his registration credentials may be sus-
9 pended or revoked by the commission after a hearing, and he may be
10 enjoined by the superior court from receiving compensation or making
11 disbursements or expenditures for lobbying activities. However, the
12 imposition of sanctions or penalties under this section or sec. 181 or
13 191 of this chapter does not excuse the lobbyist, employer of a lob-
14 byist, or sponsor from filing statements or reports required by this
15 chapter.

16 (b) A person who pays compensation to a lobbyist, reimburses a
17 lobbyist for all or part of his expenses, or makes disbursements or
18 expenditures to solicit others to lobby, and who fails to make and file
19 a report of this compensation, reimbursement, disbursement or expendi-
20 ture under sec. 61 of this chapter, is, in addition to any other penalty
21 provided by law, subject to a civil penalty of up to three times that
22 compensation, reimbursement, disbursement or expenditure.

23 (c) A person who receives any payment, compensation, or reimburse-
24 ment for expenses for activity as a lobbyist and who fails to register
25 or to make and file a report under of this chapter is, in addition to
26 any other penalty prescribed by law, subject to a civil penalty of up to
27 three times that payment, compensation or reimbursement.

28 (d) A person who fails to report payments, compensation, gifts,
29 contributions, or expenditures required to be reported under this

1 chapter is subject to a civil penalty of up to three times the amount he
2 failed to report. A person who pays, receives or accepts the prohibited
3 compensation or who makes, receives or accepts a prohibited gift, con-
4 tribution or expenditure is subject to a civil penalty of up to three
5 times the prohibited or unlawful amount.

6 (e) A person who fails to file a properly completed and certified
7 report or statement within the time required by this chapter is subject
8 to a civil penalty of \$10 a day for each day the delinquency continues.

9 Sec. 24.45.181. INJUNCTIVE RELIEF. The superior court may enjoin
10 a person to prevent the doing of any act prohibited by this chapter or
11 to compel the performance of any act required by this chapter.

12 Sec. 24.45.191. CRIMINAL PENALTIES. (a) An individual who vio-
13 lates any provisions of this chapter, whether acting for himself, on
14 behalf of an employer or in concert with other persons, or who causes,
15 participates in, aids, abets, ratifies or confirms any violation of a
16 provision of this chapter is, upon conviction, punishable by a fine of
17 not less than \$100 nor more than \$1,000, or by imprisonment for not more
18 than one year, or by both.

19 (b) A person, other than an individual, who violates any provision
20 of this chapter, whether acting for himself, on behalf of an employer or
21 in concert with other persons, or who causes, participates in, aids,
22 abets, ratifies or confirms any violation of a provision of this chapter
23 is, upon conviction, punishable by a fine of not less than \$1,000 nor
24 more than \$10,000 for each offense.

25 ARTICLE 5. GENERAL PROVISIONS.

26 Sec. 24.45.201. EXEMPTIONS. (a) This chapter does not apply to

27 (1) an individual

28 (A) who, without payment of compensation or other
29 consideration, lobbies on behalf of himself; or

1 (B) who limits his lobbying activities to appearances
2 before public sessions of the legislature, or its committees or
3 subcommittees, or to public hearings or other proceedings of state
4 agencies;

5 (2) an elected state or municipal public officer or an em-
6 ployee of the state or a municipality acting in his official capacity or
7 within the scope of his employment; *except as required in #1 of this chapter*

8 (3) any newspaper or other periodical of general circulation,
9 book publisher, radio or television station (including an individual who
10 owns, publishes or is employed by that newspaper or periodical, radio
11 or television station) which in the ordinary course of business pub-
12 lishes news items, editorials or other comments, or paid advertisements,
13 which directly or indirectly urge legislative or administrative action
14 if the newspaper, periodical, book publisher, radio or television sta-
15 tion or individual engages in no further or other activities in con-
16 nection with urging or advocating legislative or administrative action
17 other than to appear before public sessions of the legislature, or its
18 committees or subcommittees, or public hearings or other proceedings of
19 state agencies.

20 (b) Nothing in this chapter may be construed as prohibiting or
21 affecting the rendering of professional services in drafting legislative
22 measures or in advising clients and in rendering opinions as to the
23 construction or effect of proposed or pending legislative or adminis-
24 trative action where these professional services are not otherwise
25 connected with influencing or attempting to influence legislative or
26 administrative action. Nor does anything in this chapter prevent members
27 of the legislature from discussing with constituents the advisability of
28 passing legislation then pending before, or proposed to be presented to,
29 the legislature.

1 Sec. 24.45.211. DEFINITIONS. In this chapter

2 (1) "administrative action" means the proposal, drafting,
3 development, consideration, amendment, adoption, approval, promulgation,
4 issuance, modification, rejection or postponement by any state agency of
5 any rule, regulation, order, decision, determination, or any other
6 quasi-legislative or quasi-judicial action or proceeding whether or not
7 governed by the Administrative Procedure Act (AS 44.62);

8 (2) "agency" means a state department, division, commission,
9 board, office, bureau, institution, corporation, authority, organization
10 committee, council or board in the executive branch, or independent of
11 the executive branch, of state government;

12 (3) "candidate" means an individual who is listed on the
13 ballot or who is a write-in candidate at any election for nomination for
14 or election to an elective state office, or who receives a contribution
15 or makes an expenditure or gives his consent for any other person to
16 receive a contribution or make an expenditure with a view to bringing
17 about his nomination or election to elective state office, whether or
18 not the specific elective state office for which he will seek nomination
19 or election is known at the time the contribution is received or the
20 expenditure is made and whether or not he has announced his candidacy or
21 filed a declaration of candidacy at the time the contribution is made or
22 offered; "candidate" also includes an elective state officer who is the
23 subject of a recall election;

24 (4) "gift" means any payment to the extent that consideration
25 of equal or greater value is not received unless it is clear from sur-
26 rounding circumstances that it is not made for the purpose of influenc-
27 ing legislative or administrative action; it includes a loan, loan
28 guarantee forgiveness of a loan, a payment of a loan by a third party,
29 or an enforceable promise to make a payment except that full and ade-

1 quate consideration is received; it also includes the purchase of
2 tickets for travel or for entertainment events and the granting of
3 discounts or rebates not extended to the public generally; "gift" does
4 not include informational or promotional materials such as books, re-
5 ports, pamphlets, calendars or periodicals; it also does not include
6 food and beverages sold ready for immediate consumption in or by res-
7 taurants, drug stores, lunch counters, cafeterias, hotels or like places
8 of public accommodation; any person other than a defendant in a criminal
9 action who claims that a payment is not a gift by reason of receipt of
10 consideration has the burden of proving that the consideration received
11 is of equal or greater value.

12 (5) "immediate family" means the spouse and dependent chil-
13 dren of an individual;

14 (6) "individual" means a natural person;

15 (7) "influencing legislative or administrative action" means
16 promoting, advocating, supporting, modifying, opposing or delaying or
17 seeking to do the same with respect to any legislative or administrative
18 action by means including but not limited to the provision or use of
19 information, statistics, studies, analyses in written or oral form or
20 format;

21 (8) "legislative action" means the preparation, research,
22 drafting, introduction, consideration, modification, amendment, approv-
23 al, passage, enactment, defeat or rejection of any bill, resolution,
24 amendment, motion, report, nomination, appointment or other matter by
25 the legislature, or by a standing, interim or special committee of the
26 legislature, or by a member or employee of the legislature acting in his
27 official capacity; it includes, but is not limited to, the action of
28 the governor in approving or vetoing a bill or the action of the legis-
29 lature in considering, overriding or sustaining that veto and the

1 action of the legislature in considering, confirming or rejecting an
2 executive appointment of the governor;

3 (9) "lobbyist" means a person who is employed and receives
4 payments, or who contracts for economic consideration, other than
5 reimbursement for reasonable travel expenses, to communicate directly or
6 through his agents with any public official or candidate for the purpose
7 of influencing legislative or administrative action if a substantial or
8 regular portion of the activities for which he receives consideration is
9 for the purpose of influencing legislative or administrative action or a
10 person who represents himself as engaging in that communication as a
11 business, occupation or profession;

12 (10) "payment" means the disbursement, distribution, transfer,
13 loan, advance, deposit, gift or other rendering or tendering of money,
14 property, goods or services or anything else of value, whether tangible
15 or intangible;

16 (11) "payment to influence legislative or administrative
17 action" means any of the following:

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

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

25 (C) a payment which directly benefits a public official
26 or candidate, or a member of the immediate family of that official
27 or candidate;

28 (D) a payment, including compensation, payment or re-
29 imbursement for the services, time or expenses of an employee for

1 or in connection with direct communication with a public official
2 or candidate;

3 (E) a payment for or in connection with soliciting or
4 urging other persons to enter into direct communication with a
5 public official or candidate;

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

8 (13) "public official" means the governor, lieutenant gover-
9 nor, governor-elect or lieutenant governor-elect, or a member or member-
10 elect of the legislature; or, an officer, employee, or member of an
11 agency or an employee of the legislature acting in the exercise of his
12 official duties or responsibilities, other than in a purely clerical or
13 manual capacity.

14 Sec. 24.45.221. SHORT TITLE. This chapter may be cited as the
15 Regulation of Lobbying Act.

16 * Sec. 3. AS 15.13.030(10) is amended to read:

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

20 * Sec. 4. Records, papers, documents or other materials relating to the
21 administration of AS 24.45 before July 1, 1976 shall be transferred from the
22 Department of Administration to the Alaska Public Offices Commission on July
23 1, 1976.

24 * Sec. 5. This Act takes effect July 1, 1976. However, the initial re-
25 ports required under AS 24.45.051 - 24.45.091 are due for the reporting
26 period beginning January 1, 1977, and shall be filed not later than Febru-
27 ary 10, 1977.

Feb 26
Milton

Original sponsors: Parker, Bradley
Gardiner, Malone, Miller and Sullivan

~~Author: 1/30/77~~
~~Referred: Judiciary~~

1 IN THE HOUSE

JUDICIARY
BY THE ~~SENATE~~ COMMITTEE

2 CS FOR HOUSE BILL NO. 522 (JUDICIARY)

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 ~~that relate to current affairs~~; and that ^{the people are} ~~to preserve and~~

21 ~~maintain the integrity of the legislative and administrative processes~~
22 ~~it is essential that~~ ^{entitled to know} the identity, income, expenditures and activities

23 of ^{those} ~~certain~~ persons who engage in efforts to persuade members of the
24 legislature or officials or agencies in the executive branch to take
25 specific actions ~~either by direct communications to those members or~~
26 ~~officials or by solicitation or employment of others to engage in these~~
27 ~~efforts, be publicly and regularly disclosed.~~

28 ARTICLE 2. ADMINISTRATION.

29 Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be

1 administered by the Alaska Public Offices Commission created under
2 AS 15.13.020(a).

3 (b) The commission shall promulgate regulations under the Adminis-
4 trative Procedure Act (AS 44.62) to implement the provisions of this
5 chapter.

6 Sec. 24.45.031. POWERS AND DUTIES. (a) In addition to its other
7 duties under this chapter, the commission shall

8 (1) prescribe the forms for registration, reports, statements,
9 notices and other documents required by this chapter;

10 (2) prepare and publish ~~manual and~~ instructions setting
11 out the methods of accounting, bookkeeping and preservation of records
12 required to facilitate compliance with and enforcement of this chapter
13 and explaining the duties of persons subject to the provisions of this
14 chapter; the ~~manual and~~ instructions shall be updated periodically;

15 (3) provide assistance to persons in complying with the
16 provisions of this chapter;

17 ~~(4) prepare and publish periodic, but at least quarterly~~
18 ~~and annually, summaries of the statements and reports received; these~~
19 ~~summaries shall list separately individual lobbyists, employers of~~
20 ~~lobbyists, or sponsors of grass roots lobbying campaigns;~~

21 ^{of}
22 (5) prepare and publish ~~other reports if considered appropri-~~
23 ~~ate, including an annual report of its activities, findings and recom-~~
24 ~~mendations under this chapter,~~ ^{which shall be made available to} to the governor, legislature and to the
25 public; ^{by February 1 of each calendar year}

26 (b) report suspected violations of this chapter to the
27 attorney general;

28 (b) The commission may

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

3/ prepare and publish periodic, but at least quarterly and annually, summaries of the statements and reports received; these summaries shall list separately individual lobbyists, ^{and} employers of lobbyists ~~or sponsors of grass roots lobbying campaigns~~ H

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

ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

Sec. 24.45.041. REGISTRATION. (a) Before engaging in lobbying or within 10 days after being employed as a lobbyist, whichever occurs first, a lobbyist shall file a registration statement on a form prescribed by the commission.

(b) The registration form prescribed by the commission shall be accompanied by ^{four 2 1/2} ~~3~~ inch by ^{2 1/2} ~~3~~ inch black and white photograph of himself which ^{2x3} ~~is~~ not more than five years old and a written authorization to act as a lobbyist from each person by whom he is employed or with whom he contracts for lobbying services and shall include

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

(2) the full name and complete address of each person, as prescribed in (1) of this subsection, by whom the lobbyist is retained or employed ~~or on whose behalf the registrant lobbies, advocates legislative or administrative action, or engages in the influencing of legislative or administrative action;~~

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

1 (4) the duration of his employment and the date on which the
2 lobbyist expects his lobbying to end;

3 (5) the lobbyist's compensation for engaging in lobbying,
4 including salary, fees or reimbursement for expenses received in con-
5 sideration for, or directly in support of or in connection with, the
6 influencing of legislative or administrative action;

7 (6) a general description of the subjects or matters on which
8 the registrant expects to lobby or to engage in the influencing of
9 legislative or administrative action;

10 (7) the full name and complete address of the person who has
11 custody of the accounts, books, papers, bills, receipts and other docu-
12 ments required to be maintained under this chapter.

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

17 (d) 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 photograph and the information prescribed in
20 (b) of this section for each lobbyist. From time to time thereafter the
21 commission shall publish those supplements to the directory that in the
22 commission's judgment may be necessary. The directory shall be made
23 available to public officials and to the public.

the following
at ~~the~~ locations: a public place adjacent to the legislative chambers
in the state capitol building, the office of the lieutenant governor,
the legislative reference library of the Legislative Affairs Agency
and the commission's ^{central} office.

24 (e) Each lobbyist shall renew his registration annually by filing
25 a new registration statement together with a new authorization to act as
26 a lobbyist within 10 days after the convening of each regular session of
27 the legislature. The lobbyist also shall file any reports or statements
28 he has failed to file for a previous reporting period. The commission
29 may not renew lobbying credentials until this provision is complied

with.

~~(c) Each registered lobbyist shall file a notice of termination with the commission within 30 days after he ceases the lobbying activity which required his registration under this chapter.~~

Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41 of this chapter shall file with the commission a report concerning his activities during each ^{reporting period prescribed in sec. 101} ~~preceding calendar month while the legislature is in session, and during each preceding calendar quarter when the legislature is not in session~~, so long as the lobbyist continues to engage in lobbying activities. The report shall be made on a form prescribed by the commission and filed in accordance with secs. ⁹¹ ~~404~~ and ¹⁰¹ ~~414~~ of this chapter. The report also shall include any changes in the information required to be supplied under sec. 41(b) of this chapter and the following information for the ^{reporting period} ~~preceding calendar month or quarter~~, as applicable:

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

(2) the aggregate amount of disbursements or expenditures ~~directly or indirectly~~ in support of or in connection with influencing legislative made or incurred during the period by the lobbyist, or on behalf of the lobbyist by his employer in the following categories:

(A) food and beverages; in this category of disbursements or expenditures, if more than \$100 a month in the aggregate is disbursed or expended on behalf of any one public official or

lative or administrative action

1 candidate, the full name of the person and his official position,
2 if any, who received the food or beverages and the amount paid for
3 each person shall be stated;

4 (B) living accommodations;

5 (C) travel;

6 (3) the date and nature of any gift exceeding \$10 in value
7 made to a public official or candidate and the full name and official
8 position of that person;

9 (4) the name and official position of each public official,
10 or candidate and the name of each member of the immediate family of any
11 of these officials or candidates with whom the lobbyist has engaged in
12 an exchange of money, goods, services or anything of more than \$50 in
13 value and the nature and date of each of these exchanges and the mone-
14 tary values exchanged;

15 (5) the name and address of any business entity in which the
16 lobbyist knows or has reason to know that a public official or candidate
17 is a proprietor, partner, director, officer or manager, or has more than
18 a 50 per cent ownership interest, with whom the lobbyist has engaged in
19 an exchange of money, goods, services, or anything of value and the
20 nature and date of each exchange and the monetary value exchanged if the
21 total value of these exchanges is \$500 or more in a calendar year; ~~and~~

22 (6) the date and amount of each contribution, as defined
23 in AS 15.13.130(2), made to a public official or candidate by the
24 lobbyist and the name and official position of the person to whom the
25 contribution was made; *and*

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

29 Sec. 24.45.061. REPORTS BY EMPLOYERS OF LOBBYISTS. (a) A person
30 who employs, retains or who contracts for the services of one or more
31 lobbyists whether independently or jointly with other persons and a
32 person who directly or indirectly makes payments to influence legisla-

CSHB 522 (*and*)

1 tive or administrative action of \$100 or more in value in a calendar
2 month when the legislature is in session or \$300 or more in value in a
3 calendar quarter when the legislature is not in session, shall file a
4 quarterly report containing

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

7 (2) information sufficient to identify the nature and inter-
8 ests of the person making the report, including

9 (A) if the maker is an individual, the name and address
10 of his employer, if any, or his principal place of business if he
11 is self-employed, and a description of the business or professional
12 activity in which he or his employer is engaged;

13 (B) if the maker is a business entity, a description of
14 the business activity in which it is engaged;

15 (C) if the maker is an industry, trade or professional
16 association, a description of the industry, trade or profession
17 including a specific description of any portion or faction of the
18 industry, trade or profession which the association exclusively or
19 primarily represents and, if the association has less than 50
20 members, the names of the members; or

21 (D) if the maker is ^{none}~~any~~ of those listed in (A) - (C)
22 of this paragraph, a statement of the person's nature and purposes
23 including a description of any industry, trade, profession or other
24 group with a common economic interest which the person principally
25 represents or from which its membership or financial support is
26 principally derived; however, the information required by (A) - (D)
27 of this paragraph need be stated only in the first report filed
28 during a calendar year, except that subsequent reports must reflect
29 changes in this information previously reported;

1 (3) the total amount of payments made to influence legis-
2 lative or administrative action during the period, and the name and
3 address of each person to whom these payments in an aggregate amount or
4 value of \$100 or more have been made during the period by the maker of
5 the report, together with the date, amount and a description of the
6 consideration received for each expenditure, and the full name of the
7 beneficiary of each expenditure if other than the maker or the payee;

8 (4) the name and official position of each public official or
9 candidate and the name of each member of the immediate family of any
10 official or candidate with whom the maker of the report has engaged in
11 an exchange of money, goods, services or anything of value, the nature
12 and date of each such exchange and the monetary value exchanged, if the
13 fair market value of either side of the exchange was \$500 or more;

14 (5) the name and address of any business entity in which the
15 person making the report knows or has reason to know that a public
16 official or candidate is a proprietor, partner, director, officer,
17 manager or has more than a 50 per cent ownership interest, with whom the
18 person making the report has engaged in an exchange or exchanges of
19 money, goods, services or anything of value and the nature and date of
20 each exchange and the monetary value exchanged, if the total value of
21 the exchange or exchanges is \$500 or more in a calendar year;

22 (6) the date and amount of each contribution as defined in
23 AS 15.13.130(?), made to a public official or candidate by the person
24 making the report and the name and official position of the recipient of
25 each contribution;

26 (7) the date and nature of any gift exceeding \$10 in value
27 made to any public official or candidate and the full name and official
28 position of the recipient of each gift;

29 (8) a specific description of legislative or administrative

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1 | action which the person making the report has attempted to influence;

2 | (9) the name of each lobbyist employed or retained by the
3 | person making the report, together with the total amount paid to each
4 | lobbyist and the portion of that amount, if any, which was paid for
5 | specific purposes, including salary, fees, and reimbursement for ex-
6 | penses, in the categories set out in sec. 51(2) of this chapter;

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(10) a notice of termination if the person filing a report has ceased employing or retaining a lobbyist registered under this chapter and if this report constitutes the final report of the lobbyist's ~~or the employer's~~ activities *on behalf of the employer maker making the report;*

~~action which the person making the report has attempted to influence;~~

~~(9) the name of each lobbyist employed or retained by the person making the report, together with the total amount paid to each lobbyist and the portion of that amount, if any, which was paid for specific purposes, including salary, fees, and reimbursement for expenses, in the categories set out in sec. 51(2) of this chapter;~~

~~(10) any other information required by the commission consistent with the purposes and provisions of this chapter.~~

~~(b) Each person filing a report under this section shall file a notice of termination with the commission within 30 days after he ceases employing or retaining a lobbyist registered under this chapter.~~

Sec. 24.45.071. REPORTS BY PUBLIC OFFICIALS, CANDIDATES. ⁽²⁾ Each public official or candidate shall file with the commission ^{ON} a form prescribed by it a report for the periods required under sec. ~~41~~ ^{of} this chapter disclosing the following information for the preceding calendar month or quarter, as applicable:

(1) if the official or candidate received in the aggregate more than \$100 a month in food and beverages from any one lobbyist, or employer of a lobbyist, the name of that lobbyist, or employer of ~~a~~ ^{that} lobbyist, and the amount received from each; and

(2) the date, nature and source of any gift exceeding \$10 in value received by the public official or candidate from a lobbyist or employer of a lobbyist.

(b) If during a reporting period prescribed in sec. ~~101~~ of this chapter, the public official or candidate has not received any of the ~~elements or benefits described~~ ^{items/} ^{described} in (a) (1) - (2) of this section, he need not file a report required under (a) of this section. The non-filing of a report for the reporting period constitutes a "zero report" for that period.

Sec. 24.45.081. DISCLOSURE OF CERTAIN RELATIONSHIPS REQUIRED. If a person registered, or required to be registered, as a lobbyist under this chapter, or a person who employs or retains a lobbyist, employs or retains a public official or candidate, and if that official or candidate remains in the partial or full-time employ of the state or an agency of it, the lobbyist, or employer of a lobbyist, shall file a

1 ~~(4) the full names and complete addresses of all persons~~
2 contributing more than \$100 to the campaign, and the amount contributed
3 by each person;

4 (5) the totals of all expenditures made or incurred to date
5 on behalf of the campaign; the totals shall be segregated according to
6 the categories set out in sec. 51(2) of this chapter; and the report
7 also shall include disbursements or expenditures made or incurred for
8 the following:

9 (A) consultants, advisors or professional campaign
10 management;

11 (B) printing and mailing expenses;

12 (C) advertising, identifying each form of media employed
13 including but not limited to radio, television, newspapers, peri-
14 odicals or other publications or printed matter.

15 (c) Every person registered under (a) of this section shall file
16 periodic reports with the commission in the same manner and according to
17 the same schedule prescribed for other statements and reports to be
18 filed under this chapter. The reports shall update the information
19 contained in the sponsor's registration statement filed under (b) of
20 this section and shall show contributions received and totals of ex-
21 penditures made during the reporting period in the same manner as
22 provided for in the registration statement.

23 (d) When the grass roots lobbying campaign has been terminated,
24 the sponsor shall file a notice of termination with the final monthly or
25 quarterly report. The notice shall state the totals of all contri-
26 butions and expenditures made on behalf of the campaign in the same
27 ~~manner as prescribed in (b) of this section.~~

28 Sec. 24.45.²⁹¹101. CERTIFICATION OF REPORTS. Every statement or
29 report required to be filed under this chapter shall identify the full

1 name of the person preparing it, his complete address and telephone
 2 number, and shall be certified as complete and correct ~~under oath~~, both
 3 by the person preparing it and by the person on whose behalf it is
 4 filed.

5 Sec. 24.45.¹⁰¹~~121~~. REPORTING PERIODS. Reports required under this
 6 chapter shall be filed by the 10th day of the calendar month following
 7 each calendar month during any part of which the legislature was in
 8 session and by the 10th day of the month following each calendar quarter
 9 when the legislature was not in session. The period covered shall be
 10 the calendar month or the calendar quarter, as applicable, and shall in
 11 any event cover the period from the date of the last report filed under
 12 this chapter to the date of the end of the calendar month or quarter, as
 13 applicable, for which the report is being filed. The period covered
 14 shall not include any months covered in previous reports filed by the
 15 same person. When total amounts are required to be reported, totals
 16 shall be stated both for the period covered by the statement and for the
 17 entire calendar year to date.

10 *a public official or an officer, ^{representative} employee of a state agency or*
 11 However, if a lobbyist registered under this chapter has declared
 12 that he seeks only to influence administrative action and not
 13 legislative action *the public officer or lobbyist* he need only file a report required under this
 14 chapter for each calendar quarter.

18 Sec. 24.45.¹¹¹~~121~~. PUBLICATION OF REPORTS. ~~The information contained~~
 19 ~~in the reports filed under this chapter shall be published in a joint~~
 20 ~~supplement to the senate and house journals as soon as practicable after~~
 21 ~~each reporting period.~~

21 Copies of the statements and reports filed under this chapter
 22 shall be made available to the public ^{at} the commission's ^{central} office, ~~and~~
 23 the office of the lieutenant governor, the legislative reference library
 24 in the Legislative Affairs Agency, and at the commission's ~~regional~~^{on}
 25 district offices prescribed in AS 15.13.020(j) as soon as practicable
 26 after each reporting period.

121
 Sec. 24.45.121. PUBLIC RECORDS. Statements and reports filed under this chapter are public records and shall be available for public inspection and copying during normal business hours at the expense of the person requesting copies; however, the charge for copying may not exceed actual cost to the commission.

121
 Sec. 24.45.121. PRESERVATION OF RECORDS. (a) A person required to register or report as a lobbyist, ^{or} as an employer of a lobbyist, ~~or as a sponsor of a grass roots lobbying campaign~~ shall preserve all ac-

1 counts, bills, receipts, books, papers and documents necessary to
 2 substantiate the reports required to be made and filed under this chap-
 3 ter for a period of at least ~~five~~ ^{six} years from the date of the filing of
 4 the report containing these items. These accounts, bills, receipts,
 5 books, papers and other documents shall be made available for inspection
 6 by the commission, or members of its staff, at any time. If a lobbyist
 7 is required under the terms of his employment contract to turn any
 8 records over to his employer, responsibility for the preservation of
 9 these records under this section rests with the employer.

10 (b) The commission shall preserve the statements and reports
 11 required to be filed under this chapter for a period of ~~five~~ ^{six} years from
 12 the date of filing. If the commission's central office is not in the
 13 state capital, copies of all statements and reports filed under this
 14 chapter shall be maintained in an office established by the commission
 15 in the state capital. ^{in the office of the lieutenant governor}

16 ARTICLE 4. ENFORCEMENT.

17 Sec. 24.45.141. PROHIBITIONS. (a) No lobbyist may

- 18 (1) engage in any activity as a lobbyist before registering
 19 under sec. 41 of this chapter;
 20 (2) do anything with the ^{intent} ~~purpose~~ of placing a public official
 21 or candidate under personal obligation to him or to his employer;
 22 (3) ^{intentionally} deceive or attempt to deceive any public official or
 23 candidate, with regard to any material fact pertinent to pending or
 24 proposed legislative or administrative action;
 25 (4) cause or influence the introduction of a legislative
 26 measure for the purpose of thereafter being employed to secure its
 27 defeat;
 28 (5) ~~attempt to create a fictitious appearance of public favor~~
 29 ~~or disfavor of any proposed legislative or administrative action or to~~

1 cause a communication to be sent to a public official or candidate, in
2 the name of any fictitious person or in the name of any real person,
3 except with the consent of that person;

4 (6) represent falsely either directly or indirectly that he
5 can control the official action of a public official or candidate;

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

9 (b) No person may knowingly receive or accept a contribution or
10 gift made unlawful under (a)²(~~1~~) of this section.

11 (c) No person may employ for pay or any consideration, or pay or
12 agree to pay consideration to, a person to lobby who is not registered
13 under of this chapter except upon condition that the person register and
14 that person does in fact so register as soon as practicable after being
15 employed to lobby.

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

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

24 (2) a written complaint is filed with the commission by any
25 qualified voter alleging that a statement or report filed with the
26 commission does not conform to the requirements of this chapter, or to
27 the truth, or that a person subject to the provisions of this chapter
28 has failed to file a statement or report in the manner prescribed by
29 this chapter.

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(b) The commission shall conduct an investigation, and may ^{therefor} conduct a hearing, into an allegation under (a)(2) of this section.

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

Sec. 24.45. ¹⁵¹ ~~171~~. CIVIL PENALTIES. (a) If a lobbyist ~~or a sponsor of a grass roots lobbying campaign~~ violates any of the applicable provisions of this chapter, his registration credentials may be suspended or revoked by the commission after a hearing, and he may be enjoined by the superior court from receiving compensation or making disbursements or expenditures for lobbying activities. However, the imposition of sanctions or penalties under this section or sec. ¹⁷¹ ~~181~~ or ¹⁸¹ ~~191~~ of this chapter does not excuse the lobbyist, employer of a lobbyist, or sponsor from filing statements or reports required by this chapter.

(b) A person who pays compensation to a lobbyist, reimburses a lobbyist for all or part of his expenses, or makes disbursements or expenditures to solicit others to lobby, and who fails to make and file a report of this compensation, reimbursement, disbursement or expenditure under sec. 61 of this chapter, is, in addition to any other penalty provided by law, subject to a civil penalty of up to three times that compensation, reimbursement, disbursement or expenditure.

(c) A person who receives any payment, compensation, or reimbursement for expenses for activity as a lobbyist and who fails to register or to make and file a report under of this chapter is, in addition to any other penalty prescribed by law, subject to a civil penalty of up to three times that payment, compensation or reimbursement.

(d) A person who fails to report payments, compensation, gifts, contributions, or expenditures required to be reported under this

1 chapter is subject to a civil penalty of up to three times the amount he
 2 failed to report. A person who pays, receives or accepts the prohibited
 3 compensation or who makes, receives or accepts a prohibited gift, con-
 4 tribution or expenditure is subject to a civil penalty of up to three
 5 times the prohibited or unlawful amount.

6 (c) A person who fails to file a properly completed and certified
 7 report or statement within the time required by this chapter is subject
 8 to a civil penalty of \$10 a day for each day the delinquency continues.

9 Sec. 24.45.¹⁸¹ INJUNCTIVE RELIEF. The superior court may enjoin
 10 a person to prevent the doing of any act prohibited by this chapter or
 11 to compel the performance of any act required by this chapter.

12 Sec. 24.45.¹⁹¹ CRIMINAL PENALTIES. (a) An individual who ^{knowingly} vio-
 13 lates any provisions of this chapter, whether acting for himself, on
 14 behalf of an employer or in concert with other persons, or who ^{knowingly} causes,
 15 participates in, aids, abets, ratifies or confirms any violation of a
 16 provision of this chapter is, upon conviction, punishable by a fine of
 17 not ~~less than \$100 nor~~ more than \$1,000, or by imprisonment for not more
 18 than one year, or by both.

19 (b) A person, other than an individual, who ^{knowingly} violates any provision
 20 of this chapter, whether acting for himself, on behalf of an employer or
 21 in concert with other persons, or who ^{knowingly} causes, participates in, aids,
 22 abets, ratifies or confirms any violation of a provision of this chapter
 23 is, upon conviction, punishable by a fine of not ~~less than \$1,000 nor~~
 24 more than \$10,000 for each offense.

25 ARTICLE 5. GENERAL PROVISIONS.

26 Sec. 24.45.¹⁹¹ EXEMPTIONS. (a) This chapter does not apply to

27 (1) an individual

28 (A) who ^{knows} without payment of compensation or other
 29 consideration; ~~hobbies on behalf of himself;~~ or

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(B) who limits his lobbying activities to appearances before public sessions of the legislature, or its committees or subcommittees, or to public hearings or other ^{public} proceedings of state agencies;

(2) an elected state or municipal public officer or an employee of the state or a municipality acting in his official capacity or except as provided in sec. 71 of this chapter within the scope of his employment;

(3) any newspaper or other periodical of general circulation, book publisher, radio or television station (including an individual who owns, publishes or is employed by that newspaper or periodical, radio or television station) which ~~is the ordinary course of business~~ publishes news items, editorials or other comments, or paid advertisements, which directly or indirectly urge legislative or administrative action; if the newspaper, periodical, book publisher, radio or television station or individual engages in no further or other activities in connection with urging or advocating legislative or administrative action other than to appear before public sessions of the legislature, or its committees or subcommittees, or public hearings or other ^{public} proceedings of state agencies.

(4) a person who appears before the legislature or either house, or standing, special or interim committee, in response to an invitation issued under (c) of this section.

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(b) Nothing in this chapter may be construed as prohibiting or affecting the rendering of professional services in drafting legislative measures or in advising clients and in rendering opinions as to the construction or effect of proposed or pending legislative or administrative action where these professional services are not otherwise connected with influencing or attempting to influence legislative or administrative action. Nor does anything in this chapter prevent members of the legislature from discussing with constituents the advisability of passing legislation then pending before, or proposed to be presented to, the legislature.

1 (c) Either house of the legislature by resolution, or both houses of
 2 the legislature by concurrent resolution may invite a person to appear to speak
 3 before the legislature or either house with reference to any pending matter. A
 4 (standing, special or interim) committee of either house of the legislature may, upon the concurrence of a
 5 majority of its members, extend a written invitation to any person to appear
 6 before the committee to give information in regard to, or explain, any matter
 7 pending before the committee.
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1 Sec. 24.45²⁰¹. DEFINITIONS. In this chapter

2 (1) "administrative action" means the proposal, drafting,
 3 development, consideration, amendment, adoption, approval, promulgation,
 4 issuance, modification, rejection or postponement by any state agency of
 5 any rule, regulation, order, decision, determination, or any other
 6 quasi-legislative or quasi-judicial action or proceeding whether or not
 7 governed by the Administrative Procedure Act (AS 44.62);

8 (2) "agency" means a state department, division, commission,
 9 board, office, bureau, institution, corporation, authority, organization
 10 committee, council or board in the executive branch, or independent of
 11 the executive branch, of state government;

12 (3) "candidate" means an individual who is listed on the
 13 ballot or who is a write-in candidate at any election for nomination for
 14 or election to an elective ^{public} ~~state~~ office, or who receives a contribution
 15 or makes an expenditure or gives his consent for any other person to
 16 receive a contribution or make an expenditure with a view to bringing
 17 about his nomination or election to elective ^{public} ~~state~~ office, whether or
 18 not the specific elective ^{public} ~~state~~ office for which he will seek nomination
 19 or election is known at the time the contribution is received or the
 20 expenditure is made and whether or not he has announced his candidacy or
 21 filed a declaration of ~~his~~ candidacy at the time the contribution is made or
 22 offered; "candidate" also includes an elective ^{public official} ~~state~~ office who is the
 23 subject of a recall election;

Proposed definition of "gift" for CSHB 522 (Judiciary):

adopted

1 (4) "gift"

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

4 (B) includes but is not limited to:

5 (i) a loan, loan guarantee, forgiveness of a
6 loan, payment of a loan by a third party, or an en-
7 forceable promise to make a payment except that full
8 and adequate consideration is received;

9 (ii) the purchase of tickets for travel or for
10 entertainment events; and

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

13 (C) does not include:

14 (i) informational or promotional materials,
15 including but not limited to books, reports, pamphlets,
16 calendars or periodicals; however, payments for
17 travel or reimbursement for expenses may not be
18 considered "informational material";

19 (ii) food and beverages consumed in places
20 of public accommodation.
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DEFINITION OF "GIFT" in CSHB 522 (by the State Affairs Committee)

1 (4) "gift" means any payment to the extent that consideration
2 of equal or greater value is not received, unless it is clear from sur-
3 rounding circumstances that it is not made for the purpose of influenc-
4 ing legislative or administrative action; it includes a loan, loan
5 guarantee, forgiveness of a loan, a payment of a loan by a third party,
6 or an enforceable promise to make a payment except that full and ade-
7 quate consideration is received; it also includes the purchase of
8 tickets for travel or for entertainment events and the granting of
9 discounts or rebates not extended to the public generally; "gift" does
10 not include informational or promotional materials such as books, re-
11 ports, pamphlets, calendars or periodicals; it also does not include
12 food and beverages sold ready for immediate consumption in or by res-
13 taurants, drug stores, lunch counters, cafeterias, hotels or like places
14 of public accommodation; any person other than a defendant in a criminal
15 action who claims that a payment is not a gift by reason of receipt of
16 consideration has the burden of proving that the consideration received
17 is of equal or greater value.

DEFINITION OF "GIFT" in HB 522 (as introduced)

18 (7) "gift" means any payment to the extent that consideration
19 of equal or greater value is not received; any person other than a
20 defendant in a criminal action who claims that a payment is not a gift
21 by reason of receipt of consideration has the burden of proving that the
22 consideration received is of equal or greater value; "gift" does not
23 include informational or promotional materials such as books, reports,
24 pamphlets, calendars or periodicals; however, no payment for travel or
25 reimbursement for any expenses may be considered "informational material"

26 NOTE: There is no definition of "gift" in either AS 15.13 (Election Campaign
27 Disclosure Law) or AS 39.50 (Conflicts of Interest/Financial Disclosure Law).
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(5) "immediate family" means the spouse and dependent children of an individual;

(6) "individual" means a natural person;

(7) "influencing legislative or administrative action" means promoting, advocating, supporting, modifying, opposing or delaying or seeking to do the same with respect to any legislative or administrative action by means including but not limited to the provision or use of information, statistics, studies, analyses in written or oral form or format;

(8) "legislative action" means the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, defeat or rejection of any bill, resolution, amendment, motion, report, nomination, appointment or other matter by the legislature, or by a standing, interim or special committee of the legislature, or by a member or employee of the legislature acting in his official capacity; it includes, but is not limited to, the action of the governor in approving or vetoing a bill or the action of the legislature in considering, overriding or sustaining that veto and the

1 tion of the legislature in considering, confirming or rejecting an
2 executive appointment of the governor;

3 (9) "lobbyist" means a person who is employed and receives
4 payments, or who contracts for economic consideration, other than
5 reimbursement for reasonable travel expenses, to communicate directly or
6 through his agents with any public official or candidate for the purpose
7 of influencing legislative or administrative action if a substantial or
8 regular portion of the activities for which he receives consideration is
9 for the purpose of influencing legislative or administrative action or a
10 person who represents himself as engaging in that communication as a
11 business, occupation or profession;

12 (10) "payment" means the disbursement, distribution, transfer,
13 loan, advance, deposit, gift or other rendering or tendering of money,
14 property, goods or services or anything else of value, whether tangible
15 or intangible;

16 (11) "payment to influence legislative or administrative
17 action" means any of the following:

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

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

25 (C) a payment which directly benefits a public official
26 or candidate, or a member of the immediate family of that official
27 or candidate;

28 (D) a payment, including compensation, payment or re-
29 imbursement for the services, time or expenses of an employee for

1 or in connection with direct communication with a public official
2 or candidate;

3 (E) a payment for or in connection with soliciting or
4 urging other persons to enter into direct communication with a
5 public official or candidate;

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

8 (13) "public official" means the governor, lieutenant gover-
9 nor, governor-elect or lieutenant governor-elect, or a member or member-
10 elect of the legislature; or, an officer, employee, or member of an
11 agency or an employee of the legislature acting in the exercise of his
12 official duties or responsibilities, other than in a purely clerical or
13 manual capacity.

14 Sec. 24.45.³²¹ SHORT TITLE. This chapter may be cited as the
15 Regulation of Lobbying Act.

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

11 (8) examine, investigate and compare all reports, statements and actions
12 required by this chapter, AS 24.45 and AS 39.50 and to report to the attorney
13 general the names of all persons or groups which the commission has substantial
14 reason to believe have violated this chapter;

15 * Sec. ⁴/₂. AS 15.13.030(10) is amended to read:

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

19 * Sec. ⁵/₁. Records, papers, documents or other materials relating to the
20 administration of AS 24.45 before July 1, 1976 shall be transferred from the
21 Department of Administration to the Alaska Public Offices Commission on July
22 1, 1976.

23 * Sec. ⁶/₁. This Act takes effect July 1, 1976. However, the initial re-
24 ports required under AS 24.45.051 - 24.45.091 are due for the reporting
25 period beginning January 1, 1977, and shall be filed not later than Febru-
26 ary 10, 1977.

As you can see

Wallis Page 17, line 12 - editorials

1.

Marilyn Miller - PALS

Sec of Com. Spends 25% of time
on present lobbying bill

45 day publishing for directory

10 day reporting period is too short

Public agencies - YAP etc ?
lobbyist dinners; parties

Mr. Lamber

What about accusation ~~over~~ over \$100

Credit for Legislators buying lobbyist

Object to Legislators Reporting
Social Problem - have to Ask lobbyist

\$100 per lobbyist requirement - discriminates
against Co that has 1 or 2 lobbyists

Administrative lobbyists - Co have contact
with Admin ? Covered by this Act ?

Instead of having booklet ^{+ Application} - put pictures
in

1. lobbyist Room
2. Chief Clerk
3. Senate
4. Public Offices Com.

Get around 45 day problem of publishing

Employees lobby for jobs

Original sponsors: Parker, Bradley
Gardiner, Malone, Miller and Sullivan

Offered: 1/30/76
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 522

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH 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 ~~[that relate to current affairs]~~ and that to preserve and
21 maintain the integrity of the legislative and administrative processes
22 it is essential that the identity, income, expenditures and activities
23 of certain persons who engage in efforts to persuade members of the
24 legislature or officials or agencies in the executive branch to take
25 specific actions, either by direct communications to these members or
26 officials or by solicitation or employment of others to engage in these
27 efforts, be publicly and regularly disclosed.

28 ARTICLE 2. ADMINISTRATION.

29 Sec. 24.45.021. ADMINISTRATION. (a) This chapter shall be

1 administered by the Alaska Public Offices Commission created under
2 AS 15.13.020(a).

3 (b) The commission shall promulgate regulations under the Adminis-
4 trative Procedure Act (AS 44.62) to implement the provisions of this
5 chapter.

6 Sec. 24.45.031. POWERS AND DUTIES. (a) In addition to its other
7 duties under this chapter, the commission shall

8 (1) prescribe the forms for registration, reports, statements,
9 notices and other documents required by this chapter;

10 (2) prepare and publish ~~manual and~~ instructions setting
11 out the methods of accounting, bookkeeping and preservation of records
12 required to facilitate compliance with and enforcement of this chapter
13 and explaining the duties of persons subject to the provisions of this
14 chapter; ~~the manual and~~ instructions shall be updated periodically

15 (3) provide assistance to persons in complying with the
16 provisions of this chapter;

17 (4) prepare and publish periodic, but at least quarterly
18 and annually, summaries of the statements and reports received; these
19 summaries shall list separately individual lobbyists, employers of
20 lobbyists, or sponsors of grass roots lobbying campaigns;

21 (5) prepare and publish ~~reports to the commission~~ appropriate
22 ~~reports, including~~ an annual report of its activities, findings and recom-
23 mendations under this chapter ^{which shall be made available} to the governor, legislature and to the
24 public; ^{not before Feb 1 of each calendar year;}

25 (6) report suspected violations of this chapter to the
26 attorney general;

27 (b) The commission may

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

~~legis~~
2 1/2 x 2 1/2 picture passport
6 pictures

Chief Clerk
Gov Senate

Commission to distribution

1. Public place in legis Chamber
2. Lt Gov office
3. Legis Reference Library
4. Commission

1 (2) in conjunction with (1) of this subsection, issue sub-
2 poenas, compel the attendance and testimony of witnesses, administer
3 oaths and affirmations, and require the production of books, papers,
4 records, documents or other items material to the commission's duties or
5 powers under this chapter.

6 ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

7 Sec. 24.45.041. REGISTRATION. (a) Before engaging in lobbying
8 or within 10 days after being employed as a lobbyist, whichever occurs
9 first, a lobbyist shall file a registration statement on a form pre-
10 scribed by the commission.

11 (b) The registration form prescribed by the commission shall be
12 accompanied by a 3-inch by 4-inch black and white photograph of himself
13 which is not more than five years old and a written authorization to act
14 as a lobbyist from each person by whom he is employed or with whom he
15 contracts for lobbying services and shall include

16 (1) the lobbyist's full name and complete permanent residence
17 and business address and telephone number, as well as any temporary
18 residential and business address and telephone number in the state
19 capital during a legislative session;

20 (2) the full name and complete address of each person, as
21 prescribed in (1) of this subsection, by whom the lobbyist is retained
22 or employed, [or on whose behalf the registrant lobbies, advocates
23 legislative or administrative action, or engages in the influencing of
24 legislative or administrative action;]

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

Change to conform

1 (4) the duration of his employment and the date on which the
2 lobbyist expects his lobbying to end;

3 (5) the lobbyist's compensation for engaging in lobbying,
4 including salary, fees or reimbursement for expenses received in con-
5 sideration for, or directly in support of or in connection with, the
6 influencing of legislative or administrative action;

7 (6) a general description of the subjects or matters on which
8 the registrant expects to lobby or to engage in the influencing of
9 legislative or administrative action;

10 (7) the full name and complete address of the person who has
11 custody of the accounts, books, papers, bills, receipts and other docu-
12 ments required to be maintained under this chapter.

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

17 (d) ^{New section on filing} 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 photograph and the information prescribed in
20 (b) of this section for each lobbyist. From time to time thereafter the
21 commission shall publish those supplements to the directory that in the
22 commission's judgment may be necessary. The directory shall be made
23 available to public officials and to the public.

24 (e) Each lobbyist shall renew his registration annually by filing
25 a new registration statement together with a new authorization to act as
26 a lobbyist within 10 days after the convening of each regular session of
27 the legislature. The lobbyist also shall file any reports or statements
28 he has failed to file for a previous reporting period. The commission
29 may not renew lobbying credentials until this provision is complied

Motion by Brown
filing requirement - need not file if would be a
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with.

(f) Each registered lobbyist shall file a notice of termination with the commission within 30 days after he ceases the lobbying activity which required his registration under this chapter.

Sec. 24.45.051. REPORTS. Each lobbyist registered under sec. 41 of this chapter shall file with the commission a report concerning his activities during each preceding calendar month while the legislature is in session, and during each preceding calendar quarter when the legislature is not in session, so long as the lobbyist continues to engage in lobbying activities. The report shall be made on a form prescribed by the commission and filed in accordance with secs. 101 and 111 of this chapter. The report also shall include any changes in the information required to be supplied under sec. 41(b) of this chapter and the following information for the preceding calendar month or quarter, as applicable:

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

(2) the aggregate amount of disbursements or expenditures made or incurred during the period by the lobbyist, or on behalf of the lobbyist by his employer in the following categories:

(A) food and beverages; in this category of disbursements or expenditures, if more than \$100 a month in the aggregate is disbursed or expended on behalf of any one public official or

or caused by him to be disbursed or expended
CSHB 522

Amend
legis lobbyist
report monthly
all other quarters

Clarification

Clarification

1 candidate, the full name of the person and his official position,
2 if any, who received the food or beverages and the amount paid for
3 each person shall be stated;

4 (B) living accommodations;

5 (C) travel;

6 (3) the date and nature of any gift exceeding \$10 in value
7 made to a public official or candidate and the full name and official
8 position of that person;

9 (4) the name and official position of each public official,
10 or candidate and the name of each member of the immediate family of any
11 of these officials or candidates with whom the lobbyist has engaged in
12 an exchange of money, goods, services or anything of more than \$50 in
13 value and the nature and date of each of these exchanges and the mone-
14 tary values exchanged;

15 (5) the name and address of any business entity in which the
16 lobbyist knows or has reason to know that a public official or candidate
17 is a proprietor, partner, director, officer or manager, or has more than
18 a 50 per cent ownership interest, with whom the lobbyist has engaged in
19 an exchange of money, goods, services, or anything of value and the
20 nature and date of each exchange and the monetary value exchanged if the
21 total value of these exchanges is \$500 or more in a calendar year; and

22 (6) the date and amount of each contribution, as defined
23 in AS 15.13.130(2), made to a public official or candidate by the
24 lobbyist and the name and official position of the person to whom the
25 contribution was made;

26 *(1) - section on termination*
27 Sec. 45.061. REPORTS BY EMPLOYERS OF LOBBYISTS. (a) A person
28 who employs, retains or who contracts for the services of one or more
29 lobbyists whether independently or jointly with other persons and a
person who directly or indirectly makes payments to influence legisla-

1 tive or administrative action of \$100 or more in value in a calendar
2 month when the legislature is in session or \$300 or more in value in a
3 calendar quarter when the legislature is not in session, shall file a
4 quarterly report containing

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

7 (2) information sufficient to identify the nature and inter-
8 ests of the person making the report, including

9 (A) if the maker is an individual, the name and address
10 of his employer, if any, or his principal place of business if he
11 is self-employed, and a description of the business or professional
12 activity in which he or his employer is engaged;

13 (B) if the maker is a business entity, a description of
14 the business activity in which it is engaged;

15 (C) if the maker is an industry, trade or professional
16 association, a description of the industry, trade or profession
17 including a specific description of any portion or faction of the
18 industry, trade or profession which the association exclusively or
19 primarily represents, and, if the association has less than 50
20 members, the names of the members; or

21 (D) if the maker is ~~any~~ ^{none} of those listed in (A) - (C)
22 of this paragraph, a statement of the person's nature and purposes
23 including a description of any industry, trade, profession or other
24 group with a common economic interest which the person principally
25 represents or from which its membership or financial support is
26 principally derived; however, the information required by (A) - (D)
27 of this paragraph need be stated only in the first report filed
28 during a calendar year, except that subsequent reports must reflect
29 changes in this information previously reported;

1 (3) the total amount of payments made to influence legis-
2 lative or administrative action during the period, and the name and
3 address of each person to whom these payments in an aggregate amount or
4 value of \$100 or more have been made during the period by the maker of
5 the report, together with the date, amount and a description of the
6 consideration received for each expenditure, and the full name of the
7 beneficiary of each expenditure if other than the maker or the payee;

8 (4) the name and official position of each public official or
9 candidate and the name of each member of the immediate family of any
10 official or candidate with whom the maker of the report has engaged in
11 an exchange of money, goods, services or anything of value, the nature
12 and date of each such exchange and the monetary value exchanged, if the
13 fair market value of either side of the exchange was \$500 or more;

14 (5) the name and address of any business entity in which the
15 person making the report knows or has reason to know that a public
16 official or candidate is a proprietor, partner, director, officer,
17 manager or has more than a 50 per cent ownership interest, with whom the
18 person making the report has engaged in an exchange or exchanges of
19 money, goods, services or anything of value and the nature and date of
20 each exchange and the monetary value exchanged, if the total value of
21 the exchange or exchanges is \$500 or more in a calendar year;

22 (6) the date and amount of each contribution as defined in
23 AS 15.13.130(2), made to a public official or candidate by the person
24 making the report and the name and official position of the recipient of
25 each contribution;

26 (7) the date and nature of any gift exceeding \$10 in value
27 made to any public official or candidate and the full name and official
28 position of the recipient of each gift;

29 (8) a specific description of legislative or administrative

1 action which the person making the report has attempted to influence;

2 (9) the name of each lobbyist employed or retained by the
3 person making the report, together with the total amount paid to each
4 lobbyist and the portion of that amount, if any, which was paid for
5 specific purposes, including salary, fees, and reimbursement for ex-
6 penses, in the categories set out in sec. 51(2) of this chapter;

7 (10) any other information required by the commission consis-
8 tent with the purposes and provisions of this chapter.

9 (b) Each person filing a report under this section shall file a
10 notice of termination with the commission within 30 days after he ceases
11 employing or retaining a lobbyist registered under this chapter.

12 *State*
Added
13 *Sec. 24.45.071. REPORTS BY PUBLIC OFFICIALS, CANDIDATES. Each*
14 *public official or candidate shall file with the commission a form pre-*
15 *scribed by it a report for the periods required under sec. 111 of this*
16 *chapter disclosing the following information for the preceding calendar*
17 *month or quarter, as applicable:*

18 (1) if the official or candidate received in the aggregate
19 more than \$100 a month in food and beverages from any one lobbyist, or
20 employer of a lobbyist, the name of that lobbyist, or employer of a
21 lobbyist, and the amount received from each; and

22 (2) the date, nature and source of any gift exceeding \$10 in
23 value received by the public official or candidate from a lobbyist or
24 employer of a lobbyist. *No report if zero level*

25 *Sec. 24.45.081. DISCLOSURE OF CERTAIN RELATIONSHIPS REQUIRED. If*
26 *a person registered, or required to be registered, as a lobbyist under*
27 *this chapter, or a person who employs or retains a lobbyist, employs or*
28 *retains a public official or candidate, and if that official or candi-*
29 *date remains in the partial or full-time employ of the state or an*
agency of it, the lobbyist, or employer of a lobbyist, shall file a

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statement under oath with the commission setting out the name, address and official position of the person employed, retained or paid, the nature of the employment and the amount of pay or consideration to be paid. The statement shall be filed within 10 days after the beginning of that employment.

Brown amendment.

AA/client clause on severability

Sec. 24.45.091. GRASS ROOTS LOBBYING CAMPAIGNS. (a) A person who has made expenditures not reported under any other section of this chapter of \$300 or more a calendar month in the aggregate, or \$1,500 or more a calendar quarter in the aggregate, in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislative or administrative action, shall be required to register and report under this section as a sponsor of a grass roots lobbying campaign.

(b) Within 30 days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement on a form prescribed by the commission including the following information:

(1) the sponsor's full name, complete address and business, occupation or profession and, if the sponsor is not an individual, the full names, complete addresses and titles of the controlling persons or officers responsible for managing the sponsor's affairs;

(2) the full names, complete addresses and businesses, occupations or professions of all persons organizing, managing or advising the campaign, or employed or retained to do so, including any public relations, advertising or professional campaign management firm participating in the campaign, and the terms of compensation for each of these persons;

(3) the purpose of the campaign, including the specific legislative or administrative action which is the subject of the campaign;

*Brown Amendment
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*Means One Month over expenditure
Must report back " "*

1 (4) the full names and complete addresses of all persons
2 contributing more than \$100 to the campaign, and the amount contributed
3 by each person;

4 (5) the totals of all expenditures made or incurred to date
5 on behalf of the campaign; the totals shall be segregated according to
6 the categories set out in sec. 51(2) of this chapter; and the report
7 also shall include disbursements or expenditures made or incurred for
8 the following:

9 (A) consultants, advisors or professional campaign
10 management;

11 (B) printing and mailing expenses;

12 (C) advertising, identifying each form of media employed
13 including but not limited to radio, television, newspapers, peri-
14 odicals or other publications or printed matter.

15 (c) Every person registered under (a) of this section shall file
16 periodic reports with the commission in the same manner and according to
17 the same schedule prescribed for other statements and reports to be
18 filed under this chapter. The reports shall update the information
19 contained in the sponsor's registration statement filed under (b) of
20 this section and shall show contributions received and totals of ex-
21 penditures made during the reporting period in the same manner as
22 provided for in the registration statement.

23 (d) When the grass roots lobbying campaign has been terminated,
24 the sponsor shall file a notice of termination with the final monthly or
25 quarterly report. The notice shall state the totals of all contri-
26 butions and expenditures made on behalf of the campaign in the same
27 manner as prescribed in (b) of this section.

28 Sec. 24.45.101. CERTIFICATION OF REPORTS. Every statement or
29 report required to be filed under this chapter shall identify the full

1 name of the person preparing it, his complete address and telephone
2 number, and shall be certified as complete and correct ~~under oath~~, both
3 by the person preparing it and by the person on whose behalf it is
4 filed.

5 Sec. 24.45.111. REPORTING PERIODS. Reports required under this
6 chapter shall be filed by the 10th day of the calendar month following
7 each calendar month during any part of which the legislature was in
8 session and by the 10th day of the month following each calendar quarter
9 when the legislature was not in session. The period covered shall be
10 the calendar month or the calendar quarter, as applicable, and shall in
11 any event cover the period from the date of the last report filed under
12 this chapter to the date of the end of the calendar month or quarter, as
13 applicable, for which the report is being filed. The period covered
14 shall not include any months covered in previous reports filed by the
15 same person. When total amounts are required to be reported, totals
16 shall be stated both for the period covered by the statement and for the
17 entire calendar year to date.

18 *Public Interest Disclosure Requirements* HS 15.13
19 Sec. 24.45.121. PUBLICATION OF REPORTS. The information contained
20 in the reports filed under this chapter shall be published in a joint
21 supplement to the senate and house journals as soon as practicable after
22 each reporting period. *Legis Reference Library*

23 Sec. 24.45.131. PUBLIC RECORDS. Statements and reports filed
24 under this chapter are public records and shall be available for public
25 inspection and copying during normal business hours at the expense of
26 the person requesting copies; however, the charge for copying may not
27 exceed actual cost to the commission.

28 Sec. 24.45.141. PRESERVATION OF RECORDS. (a) A person required
29 to register or report as a lobbyist, as an employer of a lobbyist, or as
a sponsor of a grass roots lobbying campaign shall preserve all ac-

1 counts, bills, receipts, books, papers and documents necessary to
2 substantiate the reports required to be made and filed under this chap-
3 ter for a period of at least five years from the date of the filing of
4 the report containing these items. These accounts, bills, receipts,
5 books, papers and other documents shall be made available for inspection
6 by the commission, or members of its staff, at any time. If a lobbyist
7 is required under the terms of his employment contract to turn any
8 records over to his employer, responsibility for the preservation of
9 these records under this section rests with the employer.

10 (b) The commission shall preserve the statements and reports
11 required to be filed under this chapter for a period of five years from
12 the date of filing. If the commission's central office is not in the
13 state capital, copies of all statements and reports filed under this
14 chapter shall be maintained in an office established by the commission
15 in the state capital.

16 ARTICLE 4. ENFORCEMENT.

17 Sec. 24.45.151. PROHIBITIONS. (a) No lobbyist may

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

20 *loans?* *Part 10 bread* (2) do anything with the *intent* ~~purpose~~ of placing a public official
21 or candidate under personal obligation to him or to his employer;

22 *intentionally* (3) ¹ deceive or attempt to deceive any public official or
23 candidate, with regard to any material fact pertinent to pending or
24 proposed legislative or administrative action;

25 (4) cause or influence the introduction of a legislative
26 measure for the purpose of thereafter being employed to secure its
27 defeat;

28 (5) ~~attempt to create a fictitious appearance of public favor~~
29 ~~or disfavor of any proposed legislative or administrative action~~ *J*

1 cause a communication to be sent to a public official or candidate, in
2 the name of any fictitious person or in the name of any real person,
3 except with the consent of that person;

4 _____ (6) represent falsely either directly or indirectly that he
5 can control the official action of a public official or candidate;

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

9 (b) No person may knowingly receive or accept a contribution or
10 gift made unlawful under (a) (2) of this section.

11 (c) No person may employ for pay or any consideration, or pay or
12 agree to pay consideration to, a person to lobby who is not registered
13 under of this chapter except upon condition that the person register and
14 that person does in fact so register as soon as practicable after being
15 employed to lobby.

16 Sec. 24.45.161. EXAMINATION OF STATEMENTS, REPORTS. (a) The
17 commission or its staff shall examine each statement or report filed
18 under this chapter within 10 days after the date it is filed. A person
19 required to file a statement or report under this chapter shall be noti-
20 fied immediately if

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

24 (2) a written complaint is filed with the commission by any
25 qualified voter alleging that a statement or report filed with the
26 commission does not conform to the requirements of this chapter, or to
27 the truth, or that a person subject to the provisions of this chapter
28 has failed to file a statement or report in the manner prescribed by
29 this chapter.

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

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

Sec. 24.45.171. CIVIL PENALTIES. (a) If a lobbyist or a sponsor of a grass roots lobbying campaign violates any of the applicable provisions of this chapter, his registration credentials may be suspended or revoked by the commission after a hearing, and he may be enjoined by the superior court from receiving compensation or making disbursements or expenditures for lobbying activities. However, the imposition of sanctions or penalties under this section or sec. 181 or 191 of this chapter does not excuse the lobbyist, employer of a lobbyist, or sponsor from filing statements or reports required by this chapter.

(b) A person who pays compensation to a lobbyist, reimburses a lobbyist for all or part of his expenses, or makes disbursements or expenditures to solicit others to lobby, and who fails to make and file a report of this compensation, reimbursement, disbursement or expenditure under sec. 61 of this chapter, is, in addition to any other penalty provided by law, subject to a civil penalty of up to three times that compensation, reimbursement, disbursement or expenditure.

(c) A person who receives any payment, compensation, or reimbursement for expenses for activity as a lobbyist and who fails to register or to make and file a report under of this chapter is, in addition to any other penalty prescribed by law, subject to a civil penalty of up to three times that payment, compensation or reimbursement.

(d) A person who fails to report payments, compensation, gifts, contributions, or expenditures required to be reported under this

1 chapter is subject to a civil penalty of up to three times the amount he
2 failed to report. A person who pays, receives or accepts the prohibited
3 compensation or who makes, receives or accepts a prohibited gift, con-
4 tribution or expenditure is subject to a civil penalty of up to three
5 times the prohibited or unlawful amount.

6 (e) A person who fails to file a properly completed and certified
7 report or statement within the time required by this chapter is subject
8 to a civil penalty of \$10 a day for each day the delinquency continues.

9 Sec. 24.45.181. INJUNCTIVE RELIEF. The superior court may enjoin
10 a person to prevent the doing of any act prohibited by this chapter or
11 to compel the performance of any act required by this chapter.

12 Sec. 24.45.191. CRIMINAL PENALTIES. (a) An individual who vio-
13 lates any provisions of this chapter, whether acting for himself, on
14 behalf of an employer or in concert with other persons, or who causes,
15 participates in, aids, abets, ratifies or confirms any violation of a
16 provision of this chapter is, upon conviction, punishable by a fine of
17 ~~not less than \$100 nor more than \$1,000~~ or by imprisonment for not more
18 than one year, or by both.

19 (b) A person, other than an individual, who violates any provision
20 of this chapter, whether acting for himself, on behalf of an employer or
21 in concert with other persons, or who causes, participates in, aids,
22 abets, ratifies or confirms any violation of a provision of this chapter
23 is, upon conviction, punishable by a fine of ~~not less than \$1,000 nor~~
24 more than \$10,000 for each offense.

25 ARTICLE 5. GENERAL PROVISIONS.

26 Sec. 24.45.201. EXEMPTIONS. (a) This chapter does not apply to

27 (1) an individual

28 (A) who, ^{lobbyist} without payment of compensation, or other
29 consideration; ~~includes on behalf of himself; or~~

Manning 20



2445,130 language on inviting lobbyist

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

(2) an elected state or municipal public officer or an employee of the state or a municipality acting in his official capacity or within the scope of his employment;

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

(b) Nothing in this chapter may be construed as prohibiting or affecting the rendering of professional services in drafting legislative measures or in advising clients and in rendering opinions as to the construction or effect of proposed or pending legislative or administrative action where these professional services are not otherwise connected with influencing or attempting to influence legislative or administrative action. Nor does anything in this chapter prevent members of the legislature from discussing with constituents the advisability of passing legislation then pending before, or proposed to be presented to, the legislature.

1 Sec. 24.45.211. DEFINITIONS In this chapter

2 (1) "administrative action" means the proposal, drafting,
3 development, consideration, amendment, adoption, approval, promulgation,
4 issuance, modification, rejection or postponement by any state agency of
5 any rule, regulation, order, decision, determination, or any other
6 quasi-legislative or quasi-judicial action or proceeding whether or not
7 governed by the Administrative Procedure Act (AS 44.62);

8 (2) "agency" means a state department, division, commission,
9 board, office, bureau, institution, corporation, authority, organization,
10 committee, council or board in the executive branch, or independent of
11 the executive branch, of state government;

12 (3) "candidate" means an individual who is listed on the
13 ballot or who is a write-in candidate at any election for nomination for
14 or election to an elective state office, or who receives a contribution
15 or makes an expenditure or gives his consent for any other person to
16 receive a contribution or make an expenditure with a view to bringing
17 about his nomination or election to elective state office, whether or
18 not the specific elective state office for which he will seek nomination
19 or election is known at the time the contribution is received or the
20 expenditure is made and whether or not he has announced his candidacy or
21 filed a declaration of candidacy at the time the contribution is made or
22 offered; "candidate" also includes an elective state officer who is the
23 subject of a recall election;

24 (4) "gift" means any payment to the extent that consideration
25 of equal or greater value is not received unless it is clear from sur-
26 rounding circumstances that it is not made for the purpose of influenc-
27 ing legislative or administrative action; it includes a loan, loan
28 guarantee, forgiveness of a loan, a payment of a loan by a third party,
29 or an enforceable promise to make a payment except that full and ade-



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quate consideration is received; it also includes the purchase of tickets for travel or for entertainment events and the granting of discounts or rebates not extended to the public generally; "gift" does not include informational or promotional materials such as books, reports, pamphlets, calendars or periodicals; it also does not include food and beverages sold ready for immediate consumption in or by restaurants, drug stores, lunch counters, cafeterias, hotels or like places of public accommodation; [any person other than a defendant in a criminal action who claims that a payment is not a gift by reason of receipt of consideration has the burden of proving that the consideration received is of equal or greater value.]

(5) "immediate family" means the spouse and dependent children of an individual;

(6) "individual" means a natural person;

(7) "influencing legislative or administrative action" means promoting, advocating, supporting, modifying, opposing or delaying or seeking to do the same with respect to any legislative or administrative action by means including but not limited to the provision or use of information, statistics, studies, analyses in written or oral form or format;

(8) "legislative action" means the preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, defeat or rejection of any bill, resolution, amendment, motion, report, nomination, appointment or other matter by the legislature, or by a standing, interim or special committee of the legislature, or by a member or employee of the legislature acting in his official capacity; it includes but is not limited to, the action of the governor in approving or vetoing a bill or the action of the legislature in considering, overriding or sustaining that veto and the

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1 action of the legislature in considering, confirming or rejecting an
2 executive appointment of the governor;

3 (9) "lobbyist" means a person who is employed and receives
4 payment or who contracts for economic consideration, other than
5 reimbursement for reasonable travel expenses, to communicate directly or
6 through his agents with any public official or candidate for the purpose
7 of influencing legislative or administrative action if a substantial or
8 regular portion of the activities for which he receives consideration is
9 for the purpose of influencing legislative or administrative action or a
10 person who represents himself as engaging in that communication as a
11 business, occupation or profession;

12 (10) "payment" means the disbursement, distribution, transfer,
13 loan, advance, deposit, gift or other rendering or tendering of money,
14 property, goods or services or anything else of value, whether tangible
15 or intangible;

16 (11) "payment to influence legislative or administrative
17 action" means any of the following:

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

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

25 (C) a payment which directly benefits a public official
26 or candidate, or a member of the immediate family of that official
27 or candidate;

28 (D) a payment, including compensation, payment or re-
29 imbursement for the services, time or expenses of an employee for

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1 or in connection with direct communication with a public official
2 or candidate;

3 (E) a payment for or in connection with soliciting or
4 urging other persons to enter into direct communication with a
5 public official or candidate;

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

8 (13) "public official" means the governor, lieutenant gover-
9 nor, governor-elect or lieutenant governor-elect, or a member or member-
10 elect of the legislature; or, an officer, employee, or member of an
11 agency or an employee of the legislature acting in the exercise of his
12 official duties or responsibilities, other than in a purely clerical or
13 manual capacity.

14 Sec. 24.45.221. SHORT TITLE. This chapter may be cited as the
15 Regulation of Lobbying Act.

16 * Sec. 3. AS 15.13.030(10) is amended to read:

17 (10) adopt regulations necessary to implement and clarify the
18 provisions of AS 24.45, AS 39.50 and this chapter, subj to the pro-
19 visions of the Administrative Procedure Act (AS 44.62)

20 * Sec. 4. Records, papers, documents or other materials relating to the
21 administration of AS 24.45 before July 1, 1976 shall be transferred from the
22 Department of Administration to the Alaska Public Offices Commission on July
23 1, 1976.

24 * Sec. 5. This Act takes effect July 1, 1976. However, the initial re-
25 ports required under AS 24.45.051 - 24.45.091 are due for the reporting
26 period beginning January 1, 1977, and shall be filed not later than Febru-
27 ary 10, 1977.
28
29

HB522

Clae Kamm

Page 3 June 7-10 def. of lobbyist

Page 4 - line 3-6 abuse of funds

Page 5 - section (f) - needed ?

Page 5 line 16 Months for legis. } inconsistent
quarters for non-legis. }

Page 7, line 21 change within to "none"

Page 9, line 13 a to "or"

Page 9, line 17 legis. reporting inconsistent
put in "Conflict of Interest"

"look about family"

Page 14, line 10 A(2)

Page 18 line 2 - conflict because
of example "legislators"

Page 17 (B) "other proceedings"

Page 17 June 16-17