

COMMITTEE REPORT

SENATE

FURTHER:

4/20/83

Date: _____

Mr. President:

The Committee on FINANCE has had 31 107

Receives public notices and employees who charge in lobbying to comply with the regulation of lobbying act (AS 24.05); (CS date)

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for AS 24.05 same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Offered: 4/20/83
Referred: Finance

Original sponsors: Faiks, Kerttula
and Bennett

1 IN THE SENATE *Finance*
2 CS FOR SENATE BILL NO. 137 (*Finance* ~~State Affairs~~)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act requiring certain public officers and em-
7 ployees who engage in lobbying to comply with the
8 Regulation of Lobbying Act; and providing for an
9 effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 24.45.161(a)(2) is amended to read:
12 (2) an elected or appointed state or municipal officer or
13 an employee of the state or a municipality acting in an [HIS] official
14 capacity or within the scope of [HIS] employment, however this chapter
15 does apply to an officer or employee who is an employee of ^{the executive} the judi- *Branch, the Legislative Branch*
16 cial branch of government, the University of Alaska, a municipality or
17 a school district if a substantial or regular portion of the activi-
18 ties for which the officer or employee receives compensation is for
19 the purpose of influencing legislative action;
20 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS SB 137 (Fin)
 Title Certain public off./empl. subject to AS 24.45
 Requested by Senate Finance Date 5/16/83

II. FISCAL DETAIL

Agency Affected Administration
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected Alaska Public Offices Commission
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES	0	0				
200 TRAVEL	0	0				
300 CONTRACTUAL	0	0				
400 COMMODITIES	0	0				
500 EQUIPMENT	0	0				
600 LAND & STRUCTURES	0	0				
700 GRANTS, CLAIMS, ETC.	0	0				
TOTAL	0	0				

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 5/16/83

PREPARED BY John Sackett

AGENCY State Senate

PHONE 465-3753

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

STATE OF ALASKA
FISCAL NOTE

F.N. Rec'd 4/17/83

Revision Date, 1983

No. of Files Required

I. REQUEST

Bill/Resolution No.: CS98 137 (FIN) AM
 Title: PUBLIC OFFICERS & EMP SUBJ. TO AS 24.45
 Sponsor: FAIKS, KERTTULA & BENNETT
 Requestor: HOUSE STATE AFFAIRS

II. FISCAL DETAIL

Agency Affected: ADMINISTRATION
 Program Category Affected: IND. OPERATIO
 BRU, Program of Subprogram(s) Affected: ALASKA PUBLIC OFFICES COMMISSION

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		15.7	16.9	18.2	19.4	21.4
200 TRAVEL		2.0	2.1	2.1	2.1	2.1
300 CONTRACTUAL		13.0	13.8	14.6	15.5	16.4
400 COMMODITIES		.6	.5	.7	.7	.8
500 EQUIPMENT		15.9	0	0	0	0
600 LAND & STRUCTURES		0	0	0	0	0
700 GRANTS, CLAIMS, ETC		0	0	0	0	0
TOTAL OPERATING		47.2	33.4	35.6	37.7	40.7
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND		47.2	33.4	35.6	37.7	40.7
FEDERAL FUNDS		0	0	0	0	0
OTHER (Specify Source)		0	0	0	0	0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Vicki L. Rippe VICKI L. RIPPEN Phone: 465-5175
 Division: ALASKA PUBLIC OFFICES COMMISSION Date: 4/15/83
 Approved by Commissioner: Lisa Rudd Date: 4/15/83
 Department: ADMINISTRATIVE

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

Assumptions: All figures are in addition to the Governor's Request of \$590.6 for FY 84 (7 F/T, 3 P/T positions). The personal services estimates for FY 85-FY 88 include an annual step increase, an annual 4% cost-of-living factor, and an employer charge of 32% of base salary to cover benefits, unemployment compensation, etc.

100 - Personal Services (FY 84) \$15.7

Reclassify Administrative Assistant II position (14A) to
Regulations Specialist II position (16A) - \$5.3

Reclassify Clerk III position (8C, 8 months) to
Secretary I position (10A, 12 months) - \$10.4

200 - Travel (FY 84) 2.0

Anticipate three trips to various municipalities to
conduct workshops with officials and employees con-
cerning requirements.

Airfare estimated at \$500 per trip:	1,500
Two days per diem per trip:	480
	<u>\$1,980</u>

300 - Contractual (FY 84) 13.0

Telephone	\$1.2
Postage	.6
Printing (RSA Central Dup)	2.0
Legal Services (RSA to Dept. of Law; 6 hours/month @ \$100 per hour)	7.2
Office Space (RSA to General Services & Sup)	2.0

400 - Commodities (FY 84) .6

500 - Equipment (one-time items) (FY 84) 15.9

Word Processor Terminal \$15.9

FY 84 Total 47.2

FY 85: Delete one-time items; salary increase as noted above;
inflation factor of 6%. 33.4

FY 86: Salary increase as noted above, inflation factor of 6%. 35.6

FY 87: Salary increase as noted above, inflation factor of 6%. 37.7

FY 88: Salary increase as noted above, inflation factor of 6%. 40.7

CSSB 137 (Fin) am - Position Paper

Currently, elected or appointed state or municipal officers and employees are exempt from the registration and reporting requirements of the Regulation of Lobbying Law (AS 24.45) if they are acting in their official capacity or within the scope of their employment. CSSB 137 (Fin) am would alter this situation by making the chapter applicable to an "officer or employee who is an employee of the executive, legislative, or judicial branch of government, the University of Alaska, a municipality or a school district if a substantial or regular portion of the activities for which the officer or employee was hired and receives compensation is for the direct purpose of influencing legislative action."

This language raises a number of questions which concern the Commission:

- 1) Why is the word officer included in lines 15 and 18 unless the intent is that executive, legislative, judicial, university, or municipal officers (in addition to employees) might be construed as being subject to AS 24.45 if they were "hired" and receive compensation to spend a substantial or regular portion of their time directly influencing legislative action;
- 2) Is an elected official a legislative officer who might be construed by the AG's Office or the courts as having been "hired" by the voters to influence legislative action;
- 3) On the other hand, does the language on lines 18 and 19 mean that an officer or employee's job description or contract would have to specify that a substantial or regular portion of his or her time is for the direct purpose of influencing legislative action before the reporting requirements are applicable; and
- 4) Were a person who qualifies as a lobbyist because he or she was hired to influence legislative action have to report legislative and administrative lobbying activities since line 15 says that the "chapter" applies.

It does appear that the proposed language leaves considerable room for interpretation and, hence, may not accomplish the authors' intent, but will certainly generate numerous inquiries to the administering agency. It does seem, though, that state and municipal employees hired as legislative liaisons, as well as legislative staff aides, would be among those who would be required to register and report as lobbyists.

The Commission does not feel that its current staff could effectively absorb the additional workload which would be generated by passage of this bill and, thus, attached is the fiscal note indicating increased agency costs.

Further, the bill's inherent ambiguity makes it impossible for the Commission to support its passage.

Department of Administration
Department

Big Studd 4/15/83
Commissioner Date

Alaska Public Offices Commission
Division

Shada A. Peterson 6/15/83
Director Date

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No.: AS24.45
 Title: Certain public off./emp. subject to
 Sponsor: Senator Faiks
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Ind. Operatic
 BRU, Program of Subprogram(s) Affected: Alaska Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		15.7	16.9	18.2	19.4	21.4
200 TRAVEL		2.0	2.1	2.3	2.1	2.1
300 CONTRACTUAL		13.8	13.8	14.6	15.5	16.4
400 COMMODITIES		.6	.6	.7	.7	.8
500 EQUIPMENT		15.9	0	0	0	0
600 LAND & STRUCTURES		0	0	0	0	0
700 GRANTS, CLAIMS, ETC		0	0	0	0	0
TOTAL OPERATING		47.2	33.4	35.6	37.7	40.7
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	47.2	33.4	35.6	37.7	40.7
FEDERAL FUNDS	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0

POSITIONS:

FULL-TIME	2	2	2	2	2
PART-TIME	(2)	(2)	(2)	(2)	(2)
TEMPORARY					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Thelma S. Pittman /ve
 Division: APOC

Phone: 276-4176
 Date: 5-9-83

Approved by Commissioner: Lisa Rudd
 Department: Administration

Date: 5/4/83

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

Assumptions: All figures are in addition to the Governor's Request of \$590.6 for FY 84 (7 F/T, 3 P/T positions). The personal services estimates for FY 85-FY 88 include an annual step increase, an annual 4% cost-of-living factor, and an employer charge of 32% of base salary to cover benefits, unemployment compensation, etc.

100 - Personal Services (FY 84) \$15.7

Reclassify Administrative Assistant II position (14A) to Regulations Specialist II position (16A) - \$5.3

Reclassify Clerk III position (8C, 8 months) to Secretary I position (10A, 12 months) - \$10.4

200 - Travel (FY 84) 2.0

Anticipate three trips to various municipalities to conduct workshops with officials and employees concerning requirements.

Airfare estimated at \$500 per trip:	1,500
Two days per diem per trip:	480
	<u>\$1,980</u>

300 - Contractual (FY 84) 13.0

Telephone	\$.2
Postage	.6
Printing (RSA Central Dup)	2.0
Legal Services (RSA to Dept. of Law; 5 hours/month @ \$100 per hour)	7.2
Office Space (RSA to General Services & Sup)	2.0

400 - Commodities (FY 84) .5

500 - Equipment (one-time items) (FY 84) 15.9

Word Processor Terminal \$15.9

FY 84 Total 47.2

FY 85: Delete one-time items; salary increase as noted above; inflation factor of 6%. 33.4

FY 86: Salary increase as noted above, inflation factor of 6%. 35.6

FY 87: Salary increase as noted above, inflation factor of 6%. 37.7

FY 88: Salary increase as noted above, inflation factor of 6%. 40.7

5/16/83

Alaska MUNICIPAL League

TELEPHONES
(907) 586-1325
586-6526

204 N. FRANKLIN ST.
JUNEAU, ALASKA 99801

May 16, 1983

To: Senate Finance Committee
From: Ginny Chitwood, Executive Director
Re: SB 137 - Lobbying Act.

As stated in Sec. 24.45.011, the purpose of Chapter 45 - Regulation of Lobbying is, "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 government 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 administrative 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 their payments in an effort to influence legislative or administrative action".

The Alaska Municipal League agrees with the stated purpose, but disagrees that SB 137 or CSSB 137 (State Affairs) is necessary to implement it, because the "identity, income, expenditures, and activities" of state and municipal officials and employees are already a matter of public record. Registering with APOC and filing monthly reports would be redundant. If there has been a problem obtaining financial information from municipal and some state agency officials, a simpler solution may be to require that information be made available upon request within a certain specified amount of time.

Attached is a resolution adopted by the Kenai City Council.

Suggested by: City Council

CITY OF KENAI

RESOLUTION NO. 83-34

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA REQUESTING THE THIRTEENTH LEGISLATURE OF THE STATE OF ALASKA TO DEFEAT SB 137 INTRODUCED BY SENATORS FAIKS, KERTTULA AND BENNETT WHICH REPEALS THE EXEMPTION IN THE LOBBYING ACT OF THE STATE OF ALASKA FOR PUBLIC OFFICIALS WHICH PLACES LOCAL ELECTED PUBLIC OFFICIALS AND APPOINTED OFFICIALS IN THE SAME CATEGORY AS A PRIVATE PAID LOBBYIST.

WHEREAS, local elected and appointed officials work for and represent a locally constituted constituency and therefor are legitimate representatives of the people whom they serve who are also citizens of the State of Alaska, and

WHEREAS, eliminating elected and appointed public officials from the exemption of the lobbying act of the State of Alaska, places them in the same position as a privately paid lobbyist whose only concern is to represent private interests as opposed to the public interest and creates a hardship upon local elected and appointed officials in carrying out their responsibilities for the people who have elected and appointed them to represent the public's best interests by adding additional paperwork and expense to their responsibilities unnecessarily, and

WHEREAS, locally elected and appointed officials stand in the same stead to their constituency as do the duly elected legislators in the Thirteenth Alaska Legislature with the exception that legislator's constituency at times represent both incorporated and unincorporated local government constituencies, and

WHEREAS, it appears this legislation is personal interest legislation and in effect benefits private interest lobbyist groups and negatively affects local constituencies represented by elected and appointed officials, and

WHEREAS, with the passage of this legislation it would appear that the number of lobbyists would substantially increase whose only interest will be to represent private interest groups and on many occasions to the disadvantage of the constituencies throughout the State of Alaska.

I. REQUEST

Bill/Resolution No.: ASB 737
 Title: Certain public off./emp. subject to
 Sponsor: Senator Fails AS24.45
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: Ind. Operatio
 BRU, Program of Subprogram(s) Affected: Alaska Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		35.7	16.9	18.2	19.4	21.4
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400 COMMODITIES		.6	.6	.7	.7	.8
500 EQUIPMENT		15.9	0	0	0	0
600 LAND & STRUCTURES		0	0	0	0	0
700 GRANTS, CLAIMS, ETC		0	0	0	0	0
TOTAL OPERATING		47.2	33.4	35.5	37.7	40.7
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	47.2	33.4	35.5	37.7	40.7
FEDERAL FUNDS	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0

POSITIONS:

FULL-TIME	2	2	2	2	2
PART-TIME	(2)	(2)	(2)	(2)	(2)
TEMPORARY					

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Thomas S. Pittman /ve Phone: 276-4176
 Division: APOC Date: 5-9-83

Approved by Commissioner: Lisa Rudd Date: 5/4/83
 Department: Administration

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Reclassify Administrative Assistant II position (14A) to Regulations Specialist II position (16A) - \$5.3		
Reclassify Clerk III position (8C, 8 months) to Secretary I position (10A, 12 months) - \$10.4		
200 - Travel (FY 84)		2.0
Anticipate three trips to various municipalities to conduct workshops with officials and employees concerning requirements.		
Airfare estimated at \$500 per trip:	1,500	
Two days per diem per trip:	480	
	<u>\$1,980</u>	
300 - Contractual (FY 84)		13.0
Telephone	\$1.2	
Postage	.6	
Printing (RSA Central Dup)	2.0	
Legal Services (RSA to Dept. of Law; 6 hours/month @ \$100 per hour)	7.2	
Office Space (RSA to General Services & Sup)	2.0	
400 - Commodities (FY 84)		.6
500 - Equipment (one-time items) (FY 84)		15.9
Word Processor Terminal	\$15.9	
FY 84 Total		47.2
FY 85: Delete one-time items; salary increase as noted above; inflation factor of 6%.		33.4
FY 86: Salary increase as noted above; inflation factor of 6%.		35.6
FY 87: Salary increase as noted above; inflation factor of 6%.		37.7
FY 88: Salary increase as noted above; inflation factor of 6%.		40.7

SB 137

Position Paper

SB 137 would repeal the current exemption from the provisions of AS 24.45 -- The Regulation of Lobbying Law -- for "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."

The repeal could have the effect of subjecting to the Law:

- 1) The governor, the lieutenant governor, and their staff members when any of the above communicate directly with legislators or legislative staff members in order to influence legislative action;
- 2) Legislators who lobby each other, the governor, the lieutenant governor, a commissioner, deputy commissioner, assistant commissioner, division director, or member of certain boards and commissions;
- 3) Legislative employees who lobby legislators, other legislative employees or public officials listed in No. 2 above;
- 4) Elected and appointed municipal officials and employees who attempt to influence state elected officials, legislative employees, or other state public officials listed in No. 2 above;
- 5) State officials or employees who attempt to influence the administrative action of other state officials or employees; and
- 6) State officials or employees who lobby legislators or legislative employees.

The only apparent exceptions to the above would be for those individuals who limited their contact to 4 hours in a 30 day period, or to public proceedings, or who were invited by either or both house of the legislature or a legislative committee to appear and explain a pending matter.

Rough calculations indicate that simple repeal of Section 161(a)(2) could subject some 2,000 state and municipal officials and employees to the registration and reporting requirements of the Law. While it is likely that substantially fewer than 2,000 persons would actually take action such that they are covered by the Law, the APOC would, nevertheless, be forced to undertake an educational/ outreach program to inform all those potentially subject of the Law's requirements.

The Commission is of the opinion that simple repeal of the existing exemption would be undesirable. The aforementioned possible impact of the repeal speaks for

itself in terms of the extensiveness of the activities which might be covered. The amount of time and energy spent by public officials and employees to determine and measure their reportable legislative and administrative lobbying activity could have the unanticipated effect of making government less efficient and productive. The potential for numerous Attorney General opinions concerning reportable activity abounds.

Sixteen states have lobbying laws which cover public officials and/or employees. Of these, nine include some sort of administrative agency lobbying provision. Based on discussions with persons from three of these states, the following are frequent considerations:

- elected state and local officials are exempt
- legislative employees are exempt
- inter and intra departmental lobbying is exempt
- special reporting requirements are established for public sector lobbyists (e.g. only the agency reports)
- agency responses to legislative inquiries are excluded from the definition of lobbying

Primarily what survives is the reporting of legislative lobbying activities by state and municipal employees. It seems to the Commission that much information about related costs of employees who lobby is already available: departments have highly visible legislative liaisons whose salary level is public information and the travel authorization forms of non-Juneau based employees are public documents. Further, public employees who spent fewer than 4 hours in a 30 day period in direct communication with legislators or legislative staffers or who limited their contact to public proceedings would not need to register and report. Hence, the information on file with the APOC would not necessarily capture the complete public employee lobbying picture or reveal data which is not elsewhere available.

The Commission opposes repeal of Section 161(a)(2). The fiscal ramifications as outlined in the attached fiscal note and the resultant confusion over what activities would constitute reportable lobbying would not seem to support repeal of the exemption.

Should simple repeal of the exemption be set aside in favor of a less sweeping version, staff contends a couple of points might be considered: The lobbying law suggests that administrative lobbying is as important as legislative lobbying; hence, if it is deemed significant for public officials and employees who are outside the legislative branch to report costs associated with legislative lobbying, perhaps it is equally relevant for those outside the executive branch to report costs associated with attempts to influence administrative action. Attention should also be given to a statutory definition of public official/employee,

modifying the reporting requirements to require agency reporting only, and eliminating responses to requests for information from reportable lobbying activity.

Department of Administration

Department

Greg Ridd 3/29/83
Commissioner Date

Alaska Public Offices Commission

Division

Neda S. Pittman 3/27/83
Director Date

SB 137

Position Paper

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The repeal could have the effect of subjecting to the Law:

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- 3) Legislative employees who lobby legislators, other legislative employees or public officials listed in No. 2 above;
- 4) Elected and appointed municipal officials and employees who attempt to influence state elected officials, legislative employees, or other state public officials listed in No. 2 above;
- 5) State officials or employees who attempt to influence the administrative action of other state officials or employees; and
- 6) State officials or employees who lobby legislators or legislative employees.

The only apparent exceptions to the above would be for those individuals who limited their contact to 4 hours in a 30 day period, or to public proceedings, or who were invited by either or both houses of the legislature or a legislative committee to appear and explain a pending matter.

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The Commission is of the opinion that simple repeal of the existing exemption would be undesirable. The aforementioned possible impact of the repeal speaks for

itself in terms of the extensiveness of the activities which might be covered. The amount of time and energy spent by public officials and employees to determine and measure their reportable legislative and administrative lobbying activity could have the unanticipated effect of making government less efficient and productive. The potential for numerous Attorney General opinions concerning reportable activity abounds.

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- legislative employees are exempt
- inter and intra departmental lobbying is exempt
- special reporting requirements are established for public sector lobbyists (e.g. only the agency reports)
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Primarily what survives is the reporting of legislative lobbying activities by state and municipal employees. It seems to the Commission that much information about related costs of employees who lobby is already available: departments have highly visible legislative liaisons whose salary level is public information and the travel authorization forms of non-Juneau based employees are public documents. Further, public employees who spent fewer than 4 hours in a 30 day period in direct communication with legislators or legislative staffers or who limited their contact to public proceedings would not need to register and report. Hence, the information on file with the APOC would not necessarily capture the complete public employee lobbying picture or reveal data which is not elsewhere available.

The Commission opposes repeal of Section 161(a)(2). The fiscal ramifications as outlined in the attached fiscal note and the resultant confusion over what activities would constitute reportable lobbying would not seem to support repeal of the exemption.

Should simple repeal of the exemption be set aside in favor of a less sweeping version, staff contends a couple of points might be considered: The lobbying law suggests that administrative lobbying is as important as legislative lobbying; hence, if it is deemed significant for public officials and employees who are outside the legislative branch to report costs associated with legislative lobbying, perhaps it is equally relevant for those outside the executive branch to report costs associated with attempts to influence administrative action. Attention should also be given to a statutory definition of public official/employee,

modifying the reporting requirements to require agency reporting only, and eliminating responses to requests for information from reportable lobbying activity.

Department of Administration
Department
Boyd Rudd 3/27/83
Commissioner Date

Alaska Public Offices Commission
Division
Heda S. Pittman 3/27/83
Director Date

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SB 137
 Title: Public officers & employees subject to
 Sponsor: Faiks, Kerttula & Bennett
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: 24.4 BRU, Program of Subprogram(s) Affected:
Alaska Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		40.9	44.3	47.5	51.1	54.8
200 TRAVEL		3.0	3.2	3.4	3.6	3.8
300 CONTRACTUAL		13.0	13.8	14.6	15.5	16.4
400 COMMODITIES		.6	.6	.7	.7	.8
500 EQUIPMENT		17.4	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		74.9	61.9	66.2	70.9	75.8

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND		74.9	61.9	66.2	70.9	75.8
FEDERAL FUNDS		0	0	0	0	0
OTHER (Specify Source)		0	0	0	0	0

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Wanda S. Pittman, Executive Director Phone: 276-4176
 Division: Alaska Public Offices Commission Date: 3/24/83
 Approved by Commissioner: Mrs. Studd Date: 3/29/83
 Department: Administration

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor

SB 137 Fiscal Note

ANALYSIS

Assumptions: All figures are in addition to the Governor's Request of \$590.6 for FY 84 (6 F/T and 3 P/T positions). The personal services estimates for FY 85-88 include an annual step increase, an annual 4% cost-of-living factor, and an employer charge of 32% of base salary to cover benefits, unemployment compensation, etc.

100 - Personal Services \$40.9

A new Regulations Specialist II position to handle additional questions and report auditing generated by state and municipal official and employees being subject to the Law.

200 - Travel 3.0

Anticipate AA III traveling twice to Anchorage to attend Commission meetings or hearings.

Airfare and per diem: \$1,080

Anticipate three trips to various municipalities to conduct workshops with officials and employees concerning requirements.

Airfare estimated at \$500 per trip: \$1,500
two days per diem per trip: 480
1,980

300 - Contractual 13.0

Telephone \$1.2

Postage \$.6

Printing (RSA Central Dup.) \$2.0

Legal Services (RSA to Dept. of Law; 6 hours/month @ \$100 per hour) \$7.2

Office Space (RSA to General Services & Sup) \$2.0

400 - Commodities .6

500 - Equipment (one-time items) 17.4

Word Processor Terminal \$15.9
desk, chair, etc. \$1.5

FY 84 Total 74.9

FY 85: Delete one-time items; salary increase as noted above; inflation factor of 6%. 61.9

FY 86: Salary increase as noted above; inflation factor of 6%. 66.2

FY 87: Salary increase as noted above; inflation factor of 6%. 70.9

1.	POSITION TITLE Regulations Specialist II				RANGE/STEP 16A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.		
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION JNU	ELECTION DISTRICT	LEG.				
3.	CONTINUATION LEVEL				JUSTIFICATION							
4.	TYPE OF EXPENDITURE				<p>If the Regulation of Lobbying Law is amended to include state and municipal officials, elected and appointed, as well as state and municipal employees, it is estimated that an additional 2,000 persons could become subject to the Law were they to attempt to influence legislative or administrative action. This increase would necessitate a sizeable educational/outreach program regarding when and how a public official/employee must register and report. The number of telephone and written inquiries received by the APOC would increase dramatically and the number of registered lobbyists and employers of lobbyists filing reports would at least double. The resultant workload increase would require the full-time services of a Regulations Specialist II.</p> <p>Job Duties: Establish and monitor systems for persons subject to the Regulation of Lobbying Law; develop forms and manuals for persons subject to the Lobbying Law; interpret the Regulation of Lobbying Law (and Administrative Regulations) for affected individuals and other interested persons; conduct informal preliminary investigations of complaints against persons subject to the law; write policy decisions, papers and proposed Administrative Regulations for Commission review and action; audit lobbyist and employer of lobbyist reports; prepare monthly and quarterly summaries based upon information contained in reports; monitor legislation affecting the Commission and attend Legislative Committee meetings as required. Supervise Administrative Assistant II and Clerk III.</p>							
	1		2								3	
	PERSONAL SERVICES											
5.	Salary 2591 x 12		31,092									
6.	Benefits		5,037									
7.	Supplemental Benefits		1,906									
8.	Fixed Benefits		2,880									
9.	TOTAL PERSONAL SERVICES		01								40,915	
10.	Travel		02								3,000	
11.	Contractual		03								13,000	
12.	Commodities		04								600	
13.	Equipment		05								17,400	
14.	Other											
15.	TOTAL COST										74,915	
	RECEIPT CODE										FUNDING SOURCE	
16.					Federal Receipts 1002							
17.					G.F. Match 1003							
18.					General Funds 1004		74,915					
19.					I-A Receipts 1005							
20.					Program Receipts 1028							
21.					Other							
FOR B&M USE ONLY												
4A KEY NUMBER												

13 REQUEST FOR
NEW POSITION

AGENCY Department of Administration

PROGRAM Independent Operations

BRU Alaska Public Offices Commission

COMPONENT Alaska Public Offices Commission

FY 84

Page of

Revised Date

STATE OF ALASKA
FISCAL NOTE

Revision Date , 1983

I. REQUEST

Bill/Resolution No.: SB 137
 Title: Public officers & employees subject to
 Sponsor: Faiks, Kerttula & Bennett
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Administration
 Program Category Affected: 24.4 BRU, Program of Subprogram(s) Affected:
Alaska Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		40.9	44.3	47.5	51.1	54.8
200 TRAVEL		3.0	3.2	3.4	3.6	3.8
300 CONTRACTUAL		13.0	13.8	14.6	15.5	16.4
400 COMMODITIES		.6	.6	.7	.7	.8
500 EQUIPMENT		17.4	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		74.9	61.9	66.2	70.9	75.8

CAPITAL		0	0	0	0	0
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REVENUE		0	0	0	0	0
---------	--	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND		74.9	61.9	66.2	70.9	75.8
FEDERAL FUNDS		0	0	0	0	0
OTHER (Specify Source)		0	0	0	0	0

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME		0	0	0	0	0
TEMPORARY		0	0	0	0	0

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Wesley L. Pittman, Executive Director Phone: 276-4176
 Division: Alaska Public Offices Commission Date: 3/24/83
 Approved by Commissioner: [Signature] Date: 3/29/83
 Department: Administration

Distribution:

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Assumptions: All figures are in addition to the Governor's Request of \$590.6 for FY 84 (6 F/T and 3 P/T positions). The personal services estimates for FY 85-88 include an annual step increase, an annual 4% cost-of-living factor, and an employer charge of 32% of base salary to cover benefits, unemployment compensation, etc.

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1.	POSITION TITLE Regulations Specialist II				RANGE/STEP 16A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.				
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRJ PRIORITY	LOCATION JNU	ELECTION DISTRICT	LEG.						
3.	CONTINUATION LEVEL				ADDITION		JUSTIFICATION							
4.	TYPE OF EXPENDITURE				AMOUNT		<p>If the Regulation of Lobbying Law is amended to include state and municipal officials, elected and appointed, as well as state and municipal employees, it is estimated that an additional 2,000 persons could become subject to the Law were they to attempt to influence legislative or administrative action. This increase would necessitate a sizeable educational/outreach program regarding when and how a public official/employee must register and report. The number of telephone and written inquiries received by the APOC would increase dramatically and the number of registered lobbyists and employers of lobbyists filing reports would at least double. The resultant workload increase would require the full-time services of a Regulations Specialist II.</p> <p>Job Duties: Establish and monitor systems for persons subject to the Regulation of Lobbying Law; develop forms and manuals for persons subject to the Lobbying Law; interpret the Regulation of Lobbying Law (and Administrative Regulations) for affected individuals and other interested persons; conduct informal preliminary investigations of complaints against persons subject to the law; write policy decisions, papers and proposed Administrative Regulations for Commission review and action; audit lobbyist and employer of lobbyist reports; prepare monthly and quarterly summaries based upon information contained in reports; monitor legislation affecting the Commission and attend Legislative Committee meetings as required. Supervise Administrative Assistant II and Clerk III.</p>							
	1	2	3											
	PERSONAL SERVICES													
5.	Salary	2591 x 12	31,092											
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12.	Commodities		04	600										
13.	Equipment		05	17,400										
14.	Other													
15.	TOTAL COST			74,915										
	RECEIPT CODE	FUNDING SOURCE												
16.		Federal Receipts	1002											
17.		G.F. Match	1003											
18.		General Funds	1004	74,915										
19.		I-A Receipts	1005											
20.		Program Receipts	1028											
21.		Other												
FOR B&M USE ONLY														
4A KEY NUMBER _____														

13 REQUEST FOR
NEW POSITION

AGENCY Department of Administration
 PROGRAM Independent Operations
 BRJ Alaska Public Offices Commission
 COMPONENT Alaska Public Offices Commission

FY 84

Page of
 Revised Date

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

4/5/83

Date: 4/19/83

Mr. President:

The Committee on STATE AFFAIRS has had SB 137

Requiring public officers and employees who engage in lobbying to comply with the Regulation of Lobbying Act (AS 24.45); eff. date

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for SB 137 (SA) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Tim Kelly - No Rec

Arthur Thompson - No Rec

Bill Kelly - No Rec

[Signature]
CHAIRMAN

Introduced: 2/23/83
Referred: State Affairs

BY FAIKS, KERTTULA
AND BENNETT

1 IN THE SENATE

2

SENATE BILL NO. 137

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act requiring public officers and employees who
7 engage in lobbying to comply with the Regulation of
8 Lobbying Act (AS 24.45); and providing for an effec-
9 tive date."

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

11 * Section 1. AS 24.45.161(a)(2) is repealed.

12 * Sec. 2. This Act takes effect immediately in accordance with AS 01.-
13 10.070(c).