

S

B

1

3

7

I. REQUEST

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

II. FISCAL DETAIL

Agency Affected: ADMINISTRATION
Program Category Affected: IND. OPERATING
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	.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						
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. Rippie VICKI L. RIPPIE
Division: ALASKA PUBLIC OFFICES COMMISSION

Phone: 276-5176
Date: 6/15/83

Approved by Commissioner: LISA RUDS
Department: ADMINISTRATION

Date: 6/15/83

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)

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
	\$1,980

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

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 16 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

Eric S. Rudel 6/15/83
 Commissioner

Alaska Public Offices Commission
Division

Wanda J. Pittman 6/15/83
 Director

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)

Alaska State Legislature

OFFICIAL BUSINESS

CHAIRMAN
RULES COMMITTEE



JAN FAIKS
POUCH V
CAPITOL BUILDING
JUNEAU, ALASKA 99811

Senate

June 13, 1983

TO: Representative Mitch Abood

FROM: Senator Jan Faiks

RE: CSSB 137 (FIN) AM

Attached is back-up material for Senate Bill 137. The reason that I introduced this piece of legislation is because I feel very strongly that public employees who are using state money to lobby for more state money should be required to register to lobby just as the private sector is required to do. There was concern by some members of the Senate about the inclusion of the legislative branch in the Finance Committee version. It was felt that lobbying is perhaps an inherent part of the job. Some states that require public officials to register do exempt members of the legislative branch. I have attached a copy of Colorado's sunshine law which does exactly that. Colorado requires that all state officials, other than employees of the legislative branch, who engage in lobbying, file monthly disclosure statements with the Secretary of State. I have also attached a copy of a legal opinion from Bill Berrier stating that in some instances legislative employees would be required to register. For these reasons, I would not be opposed to excluding the legislative branch being covered by this bill.

I would be very happy to discuss this with if you have any questions. Please let me know when you schedule the bill for a hearing, as I would like to testify before your committee. I very much appreciate your interest in this piece of legislation.

Sec. 39.50.050. Administration and inspection.

NOTES TO DECISIONS

Quoted in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 39.50.060. Penalty for wilful violation of disclosure requirements.

NOTES TO DECISIONS

Quoted in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 39.50.070. Failure to report by department, division, or deputy department heads.

NOTES TO DECISIONS

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 39.50.080. Failure to report by a commission or board chairman or member.

NOTES TO DECISIONS

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 39.50.110. Report of financial interests of judicial officers.

NOTES TO DECISIONS

Cited in State, Pub. Offices Comm'n v. Marshall, Sup. Ct. Op. No. 2406 (File No. 5614), 633 P.2d 227 (1981).

Sec. 39.50.200. Definitions. (a) In AS 39.50.010 — 39.50.200: (1) "public official" means a judicial officer, a member of the legislature, the governor, the lieutenant-governor, a person hired or

h

appointed a department chairman appointed

(2) "judge supreme district court"

(3) "child stepchild"

(4) "contracted under"

(5) "insurance agency, including State House"

(6) "municipal assembly board member planning or borough AS 29.68"

(7) "mother parent, at"

(8) "source formed or income is source of proprietor in which has a controlling proprietor the origin whom the"

(9) "asset special, a person six"

(b) In Alaska the

(1) Agricultural assist in a

(2) Alaska

(3) Alcoholic

(4) State

(5) Capital

(6) Board

~~appointed as the head or deputy head of, or director of, division within, a department, in the case of the governor, chairman, and each appointed or elected officer or employee.~~

(2) "judicial officer" means a person appointed as a justice to the supreme court or as a judge to the court of appeals, superior court, district court, or magistrate court;

(3) "child" includes a biological child, an adoptive child, and a stepchild;

(4) "commission" means the Alaska Public Offices Commission created under AS 15.13.020(a);

(5) "instrumentality of the state" means a state department or agency, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska and the Alaska State Housing Authority;

(6) "municipal officer" includes a borough or city mayor, borough assemblyman, city councilman, school board member, elected utility board member, city or borough manager, members of a city or borough planning or zoning commission within a home rule or general law city or borough, including but not limited to a unified municipality under AS 29.68.010 — 29.68.580;

(7) "mother or father" includes a biological parent, an adoptive parent, and a step-parent;

(8) "source of income" means the entity for which service is performed or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, his employer is the source of his income; but if he is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which he or his spouse or his children, or a combination of them, hold a controlling interest, the "source" is the client or customer of the proprietorship, partnership or corporation, but if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source;

(9) "assistant to the governor" includes any executive, legislative, special, administrative or press assistant to the governor, and any person similarly employed.

(b) In AS 39.50.010 — 39.50.200 "state commission or board" means the

- (1) Agricultural Loan Advisory Board (created administratively to assist in administration of AS 03.10.010 — 03.10.060);
- (2) Alaska State Council on the Arts (AS 44.27.040);
- (3) Alcoholic Beverage Control Board (AS 04.06.010);
- (4) State Assessment Review Board (AS 43.56.040);
- (5) Capital Selection Committee (AS 44.06.110);
- (6) Board of Education (AS 14.07.075);

(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;

(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, or 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 the disbursement, distribution, transfer, loan, advance, deposit, gift or other rendering or tendering of money, property, goods or services or anything else of value;

(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;

**Table 29
REGISTRATION OF LOBBYISTS**

Activity reports

State	Lobbyist registers with	Filed with	Frequency	Expenditures reported	Penalties for non-compliance
Alabama	Ethics Commission	Ethics Commission	Monthly (a,b)	o	Fine of not more than \$10,000 or more than 10 years imprisonment, or both.
Alaska	Public Offices Commission	Public Offices Commission	Monthly (c)	o	Fine of not more than \$1,000 or more than 1 year imprisonment, or both; civil penalty of \$1 per day (after 30 days, \$10 per day).
Arizona	Secretary of State	Secretary of State	Annually (d,e)	o	Prosecuted as a misdemeanor.
Arkansas	Clerk of House, Secy. of Sen.	...	...	...	None specified.
California	Secretary of State	Secretary of State	Quarterly	o	Prosecuted as misdemeanor, subject to civil fines and 4-year prohibition from public office following conviction.
Colorado	Secretary of State	Secretary of State	Monthly (f)	o	Fine of not more than \$5,000 or 1 year imprisonment, or both; registration may be revoked.
Connecticut	Ethics Commission	Ethics Commission	Quarterly (g)	o	Fine of not more than \$1,000 or more than 1 year imprisonment, or both.
Delaware	Legislative Council	Legislative Council	Quarterly	o	(h)
Florida	Clerk of House, Secy. of Sen.	Clerk of House, Secy. of Sen.	Monthly (i); Semi-annually	o	Reprimand, censure or prohibit from lobbying (j)
Georgia	Secretary of State	...	...	...	Prosecuted as a misdemeanor.
Hawaii	Ethics Commission	Ethics Commission	Biannually	o	Prosecuted as a misdemeanor.
Idaho	Secretary of State	Secretary of State	Quarterly (k)	o	Prosecuted as a misdemeanor subject to civil fines and possible per diem penalty.
Illinois	Secretary of State	Secretary of State	Jan., April & July (during sess.)	o	Prosecuted as a Class 3 felony (fine of not more than \$10,000 or more than 5 years imprisonment, or both).
Indiana	Secretary of State	Secretary of State	Following session	o	Prosecuted as a felony.
Iowa	Clerk of House, Secy. of Sen.	Clerk of House, Secy. of Sen.	Monthly	o	House: suspension from lobbying; Senate: cancellation of registration.
Kansas	Secretary of State	Secretary of State	Jan-April (l)	o	Prosecuted as a Class II misdemeanor.
Kentucky	Attorney General	Attorney General	Following session	o	Fine up to \$5,000 or up to 3 years imprisonment, or both.
Louisiana	Clerk of House, Secy. of Sen.	...	...	...	Fine of not more than \$500 or more than 6 months imprisonment, or both.
Maine	Secretary of State	Secretary of State	Monthly following ses. & annually	o	Fine of not more than \$1,000 or more than 11 months imprisonment, or both.
Maryland	Ethics Commission	Ethics Commission	Semiannually	o	Prosecuted as a misdemeanor.
Massachusetts	Secretary of State	Secretary of State	Semiannually	o	Fine of not less than \$100 or more than \$5,000.
Michigan	Secretary of State	Secretary of State (m)	...	...	Prosecuted as a felony.
Minnesota	Ethical Practices Board	Ethical Practices Board	Four times yearly	o	Fine of \$5 per business day to maximum of \$100 and prosecuted as a misdemeanor.
Mississippi	Secretary of State	Secretary of State	Following session	o	Fine of not more than \$1,000 or 6 months in county jail for first offense, or both.
Missouri	Clerk of House, Secy. of Sen.	Clerk of House, Secy. of Sen.	Three times session	o	Prosecuted as a misdemeanor.
Montana	Secy. of State	...	...	...	Prosecuted as a misdemeanor.
Nebraska	Units of Legislature	Clerk of Legislature	Monthly	o	Prosecuted as a misdemeanor.
Nevada	Legis. Counsel Bureau	Legis. Counsel Bureau	(n)	o	Prosecuted as a misdemeanor; perjury is a felony.
New Hampshire	Secretary of State	Secretary of State	Following session	o	Prosecuted as a misdemeanor.
New Jersey	Attorney General	Attorney General	Quarterly	o	Prosecuted as a crime of the fourth degree.

866-2762

Handwritten notes:
Lobbyist registration
...

New Mexico	Secretary of State	Secretary of State	(p)	o	Prosecuted as a misdemeanor; revocation of registration and prohibited from lobbying.
North Carolina	...	...	...	...	Prosecuted as a misdemeanor.

Legis. Council Bureau
 Secretary of State
 Attorney General

Legis. Council Bureau
 Secretary of State
 Attorney General

(a)
 Following session
 Quarterly

Prosecuted as a misdemeanor; perjury is felony.
 Prosecuted as a misdemeanor.
 Prosecuted as a crime of the fourth degree.

235

New Mexico	Secretary of State	Secretary of State	(a)	•	Prosecuted as a misdemeanor; revocation of registration and prohibited from lobbying.
New York	N.Y. Temporary State Commission on Regulation of Lobbying	N.Y. Temporary State Commission on Regulation of Lobbying	Following session	•	Prosecuted as a misdemeanor.
North Carolina	Secretary of State	Secretary of State	Annually	•	Prosecuted as a misdemeanor.
North Dakota	Secretary of State	Secretary of State	Annually	•	Prosecuted as a Class B misdemeanor.
Ohio	Senate Clerk	Senate Clerk	Jan. & July (a)	•	Prosecuted as a first or fourth degree misdemeanor.
Oklahoma	Joint Legis. Ethics Cmte.	Joint Legis. Ethics Cmte.	Annually	•	Prosecuted as a misdemeanor.
Oregan	Ethics Commission	Ethics Commission	Quarterly	•	Civil penalty for individuals not to exceed \$250, for other than individual, not to exceed \$1,000 for each violation.
Pennsylvania	Clerk of House, Secy. of Sen.	Clerk of House, Secy. of Sen.	Biannually	•	Prosecuted as a third degree misdemeanor.
Rhode Island	Secretary of State	Secretary of State	Three times/session	•	Fine of not less than \$100 or more than \$1,000 for agent; fine of not less than \$200 or more than \$3,000 for corporation; disbarment from agent capacity for 3 years from date of conviction.
South Carolina	Secretary of State	Secretary of State	Annually	•	Prosecuted as a misdemeanor.
South Dakota	Secretary of State	Secretary of State	Annually (a)	•	Fine of not more than \$1,000 or 1 year imprisonment, or both.
Tennessee	State Library & Archives	State Library & Archives	Following session	•	Prosecuted as a misdemeanor.
Texas	Secretary of State	Secretary of State	Monthly (d)	•	Prosecuted as a Class A misdemeanor and subject to additional fine, prosecuted as third degree felony if compensation contingent upon passage, defeat, approval or veto of a bill.
Utah	Lieutenant Governor	Secretary of State	Annually (a)	•	Prosecuted as a Class C misdemeanor.
Vermont	Secretary of State	Secretary of State	Annually (a)	•	Fine of not less than \$100 or more than \$500.
Virginia	Secy. of Commonwealth	Secy. of Commonwealth	Following session	•	Penalty of \$30/day for late filing for lobbyist and employer individually plus \$40 for each day after tenth day late.
Washington	Pub. Disclosure Commission	Pub. Disclosure Commission	Monthly	•	Prosecuted as a civil offense. Fine of not more than \$10,000. Registrants can be revoked.
West Virginia	Clerk of House, Clerk of Sen.	Clerk of House, Clerk of Sen.	Following session	•	None specified.
Wisconsin	Secretary of State	Secretary of State	Semiannually	•	Fine of not more than \$3,000 depending on offense.
Wyoming	Off., Legis. Service Office	...	...	•	Prosecuted as a misdemeanor. Subject to fine of not more than \$200.
D.C.	Legislative Secretary	Legislative Secretary	Quarterly	•	Misdemeanor fine not more than \$3,000 or imprisonment of not more than 12 months, or both; prohibited from lobbying for three years.

(a) Established by secretary of state.
 (b) During session.
 (c) In months when lobbying occurs.
 (d) During session; quarterly during interim.
 (e) Supplemental reports shall be filed monthly, on or before the 10th day of the following month, to list any expenditures in excess of \$25 occurring during the month and which must be reported pursuant to this section.
 (f) Plus cumulative statement yearly.
 (g) Monthly during session, if lobbyist attempts to influence legislative action.
 (h) Criminal penalty for a false financial report. Failure to report cancels the registration.
 (i) For senate only.
 (j) For house only.
 (k) And within 30 days after special session.

(l) Quarterly basis thereafter; only when required expense are made.
 (m) Name and address of person retaining records (lobbyist, his employer, or agent).
 (n) Information presented reflects current law. The constitutionality of an initiative that would change the lobbying laws is presently being considered by the Supreme Court.
 (o) Final report must be filed within 30 days after the close of the legislative session. In addition, each registrant who attempts to influence legislative action must file, between the first and the 10th day of the month subsequent to each month that the legislature is in session, a report concerning his lobbying activities during the previous month.
 (p) Upon filing of registration statement and prior to the 6th day after the end of any regular or special session.
 (q) Report of certain financial transactions must be filed within 30 days after the transaction.
 (r) Following year of registration.
 (s) And after two months of session.

THE LEGISLATURES

Table 30 LOBBYISTS AS DEFINED IN STATE STATUTES

State or other jurisdiction	Anyone receiving compensation to influence legislative action	Anyone spending money to influence legislation	Anyone representing someone else's interest	Anyone attempting to influence legislation	Any executive branch employee attempting to influence legislation	Public officials acting in an official capacity	Persons who speak only before committees or boards	Any person with professional knowledge acting as a professional witness	Religious organizations	Members of the media	Attorneys representing clients on legal matters	Professional bill drafters	Others
Alabama	•	•	•	•	•	•	•	•	•	•	•	•	•
Alaska	•	•	•	•	•	•	•	•	•	•	•	•	•
Arizona	•	•	•	•	•	•	•	•	•	•	•	•	•
Arkansas	•	•	•	•	•	•	•	•	•	•	•	•	•
California	•	•	•	•	•	•	•	•	•	•	•	•	•
Colorado	•	•	•	•	•	•	•	•	•	•	•	•	A*, B*, C*
Connecticut	• (d)	• (d)	• (f)	•	•	•	• (c)	•	•	•	•	•	C*
Delaware	•	•	•	•	•	•	• (f)	•	•	•	•	•	•
Florida	•	•	•	•	•	•	•	•	•	•	•	•	•
Georgia	•	•	•	• (c)	•	•	•	•	•	•	•	•	•
Hawaii	•	• (t)	• (t)	• (t)	•	•	•	•	•	•	•	•	•
Idaho	•	•	•	•	•	•	•	•	•	•	•	•	•
Illinois	•	•	•	•	•	•	• (h)	•	•	•	•	•	E*
Indiana	•	•	•	•	•	•	•	• (a)	•	•	•	•	E*
Iowa	•	•	•	• (a)	•	•	•	•	•	•	•	•	•
Kansas	•	•	•	•	•	•	•	•	•	•	•	•	F*, C*
Kentucky	•	•	•	• (c)	•	•	•	•	•	•	•	•	•
Louisiana	•	•	•	•	•	•	•	•	•	•	•	•	•
Maine	• (i)	•	•	•	•	•	•	•	•	•	•	•	G*, C*, J*
Maryland	•	•	•	•	•	•	•	•	•	•	•	•	•
Massachusetts	•	•	•	•	•	•	•	•	•	•	•	•	•
Michigan	•	•	•	•	•	•	•	•	•	•	•	•	H*
Minnesota	•	• (b)	•	•	•	•	•	•	•	•	•	•	•
Mississippi	•	•	•	•	•	•	•	•	•	•	•	•	•
Missouri	•	•	•	•	•	•	•	•	•	•	•	•	•
Montana	•	•	•	•	•	•	•	•	•	•	•	•	•
Neb. Neb.	•	•	•	•	•	•	•	•	•	•	•	•	N*, O*, P*
Nev. Nev.	•	•	•	•	•	•	•	•	•	•	•	•	•
New Hampshire	•	•	•	•	•	•	•	•	•	•	•	•	E*
New Jersey	•	•	•	•	•	•	•	•	•	•	•	•	•
New Mexico	•	•	•	•	•	•	•	•	•	•	•	•	•
New York	•	•	•	•	•	•	•	•	•	•	•	•	•
North Carolina	•	•	•	•	•	•	•	•	•	•	•	•	•
North Dakota	•	•	•	•	•	•	•	•	•	•	•	•	•
Ohio	•	•	•	•	•	• (m)	•	•	•	•	•	•	E*, G*, J*, M*
Oklahoma	• (n)	•	•	•	•	•	•	•	•	•	•	•	B*, K*
Oregon	•	•	•	•	•	•	•	•	•	•	•	•	•
Pennsylvania	•	•	•	•	•	•	•	•	•	•	•	•	U)
Rhode Island	•	•	•	•	•	•	•	•	•	•	•	•	L*, M*
South Carolina	•	•	•	•	•	•	•	•	•	•	•	•	•
South Dakota	•	•	•	• (c)	•	•	•	•	•	•	•	•	•
Tennessee	•	•	•	•	•	•	•	•	•	•	•	•	•
Texas	• (k)	• (k)	•	•	•	•	•	•	•	•	•	•	•
Utah	•	•	•	•	•	•	•	•	•	•	•	•	E*
Vermont	•	•	•	•	•	•	•	•	•	•	•	•	•
Virginia	•	•	•	•	•	•	•	•	•	•	•	•	D*
Washington	•	•	•	• (l)	•	•	•	•	•	•	•	•	C*, O*, (l)
West Virginia	•	•	•	•	•	•	•	•	•	•	•	•	•
Wisconsin	•	•	•	•	•	•	•	•	•	•	•	•	•
Wyoming	•	•	•	•	•	•	•	•	•	•	•	•	•
American Samoa	•	•	•	•	•	•	•	•	•	•	•	•	•
Guam	•	•	•	•	•	•	•	•	•	•	•	•	•
Puerto Rico	•	•	•	•	•	•	•	•	•	•	•	•	•
Virgin Islands	•	•	•	•	•	•	•	•	•	•	•	•	•

Key:
 • = DeLam
 • = Exception
 1 = Address
 A = Co.
 B = In Con-
 C = Any lob-
 D = Any un-
 E = Politi-
 F = Non-pol-
 G = Anyone
 H = Any pa-
 I = Mem-ber
 J = Charit-
 K = Person
 L = Anyone
 M = Anyone
 N = Empl-oy

- A— Definitions of who is a lobbyist
- B— Exemptions to who is a lobbyist
- C— Appropriations used in law violation
 - A— Communications made by a person in response to a statute, rule, regulation or order requiring such communication
 - B— In 6 months, any legislative department employee performing department duties, in Oregon, any legislative official acting in an official capacity
 - C— Any lobbyist not compensated and not making expenditures
 - D— Any uncompensated individual who expends or directs expenditure of more than \$100 in a given session
 - E— Political parties
 - F— Non-profit interstate organization
 - G— Any one spending money to influence executive action
 - H— Any paid expert witness whose testimony is requested
 - I— Members of associations engaged exclusively in lobbying for counties and local governments
 - J— Charitable organizations
 - K— Persons who do not spend more than 16 hours and \$50 on lobbying in any calendar quarter
 - L— Anyone employed, appointed or retained, with or without compensation, to influence an act or vote concerning any bill, resolution, amendment, report, claim, act or veto pending or to be introduced
 - M— Anyone expressing a personal opinion to members of the legislature
 - N— Employees of departments, divisions or agencies of the state

- O— Persons who appear before legislative committees solely to explain the effect of legislation related to their department, division or agency
- P— Employees of the legislature, legislators, legislative agencies or legislative commissions
 - 1— Persons who contact the members of the legislature who are elected from the district in which they reside
 - Q— State and local officials and employees if they spend public funds to influence legislation
 - (a) For senate only
 - (b) More than \$250 or five hours in any month
 - (c) Affecting private pecuniary interests
 - (d) Compensation, reimbursement, expenditures or combination totaling at least \$500 per calendar year
 - (e) Under certain conditions
 - (f) Must register if "committee" is of the General Assembly
 - (g) More than \$275 of own or any person's money in a six-month period or five hours in any month
 - (h) At request of legislator
 - (i) Or for any consideration
 - (j) Anyone who accepts reimbursement of \$100 or more within one year for the purpose of influencing legislation
 - (k) Expenditure or compensation in excess of \$200/quarter
 - (l) Lobbyists are exempt from reporting if they lobby no more than four days in a three-month period during which time they spend less than \$15
 - (m) Except governor, lieutenant governor, attorney general, secretary of state, treasurer, auditor

01/1/81

A, B

C, D

E, F

G, H

I, J

K, L

M, N

O, P

Q, R

S, T

U, V

W, X

Y, Z

AA, AB

AC, AD

AE, AF

AG, AH

AI, AJ

AK, AL

AM, AN

AO, AP

AQ, AR

AS, AT

AU, AV

AW, AX

AY, AZ

BA, BB

BC, BD

BE, BF

BG, BH

BI, BJ

BK, BL

BM, BN

BO, BP

BQ, BR

BS, BT

BU, BV

BW, BX

BY, BZ

CA, CB

CC, CD

CE, CF

CG, CH

CI, CJ

CK, CL

CM, CN

CO, CP

Alaska State Legislature

Shandy

Advisory Council Members
Senator Kerttula, Chairman
Senator Bennett
Senator Vic Fischer
Senator Fahrenkamp



Pouch V
State Capital
Juneau, Alaska 99811
Phone: (907) 465-3114

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Senator Faiks
Alaska State Legislature

FROM: Pete Jeans *[Signature]*
Senior Advisor
Senate Advisory Council

DATE: March 18, 1983

RE: Lobbying Regulations

In response to your request for information regarding lobbying by public officials and employees, attached are profiles of the lobbying laws from the eight states which specifically include public officials and governmental employees under their lobbying statutes.

I hope you will find this information useful, please call if you should have any questions.

PJ;lal
Attachments

ALABAMA

LOBBYING LAWS

(Code of Alabama, Title 36, Sections 36-25-1 through 36-25-30; House Rules 62-70; Senate Rules 78-86)

WHO is a "Lobbyist"

Any person employed or retained for compensation except for ordinary travel expenses or who on his own behalf, promotes or opposes legislation through direct communication with the Governor or a member of the Legislature. The Senate and House Rules also include in the term "lobbyist" any person representing any segment of government and a newsperson compensated by someone other than his news media employer.

Excludes:

- (1) An individual appearing one day on an isolated basis to represent himself or his firm for no compensation other than reasonable travel expenses.
- (2) Members of the State Legislature.
- (3) Persons who provide professional services in drafting bills.
(Section 36-25-1)

WHO Registers

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHERE to Register and File Reports

State Ethics Commission
State Capitol
Montgomery, Alabama 36130
(205) 832-5871

Registration statements must also be filed with the House Clerk and Secretary of the Senate.

WHEN to Register

The lobbyist must register within five days of initiating lobbying activities. Any substantial change in information must be reported within ten days. Incomplete statements must be completed within fifteen days of notice of incompleteness. Notice of termination must be filed. (Sections 36-25-18, 36-25-19, 36-25-20)

The principal must certify to the Commission the names and addresses of the lobbyist he employs. Within fifteen days of the lobbyist's filing, the principal must verify the lobbyist's statement. The principal must also verify notice of termination.
(Sections 36-25-18, 36-25-19)

Registration Fee: None Required.

Contents of Registration Statement

- (1) Lobbyist's full name and address.
- (2) Lobbyist's normal business and business address.
- (3) Name and address of principal.
- (4) Subject matter on which lobbyist is interested.
- (5) Statement by principal that he has read registration and authorizes lobbyist to act on his behalf. (Section 36-25-18)

WHO Files Reports

- (1) Principal - YES
- (2) Lobbyist/Employee - YES

WHEN to File Reports

Filed with the State Ethics Commission between the 1st and 15th day of the month following each month that the legislature was in regular session. (Section 36-25-19)

Lobbyist Disclosure Statement

The reports shall:

- (1) Indicate expenditures or receipts as a) less than \$1,000
b) \$1,000 to \$3,000, or c) more than \$3,000, giving the name, address amount, and date (exclusive of personal living expenses or income).
- (2) Give a detailed statement of any money loaned or promised to legislators or to anyone on their behalf.
- (3) Give the name, address, and government position of any public official with whom he has a direct business association.
- (4) List the legislation which he has supported or opposed.
(Section 36-25-19)

HOW to Identify a Lobbyist

List of registered lobbyists' names and business addresses, principals' names and business addresses, legislative interests, and duration of agency shall be published by the Clerk of the House, the Secretary of the Senate and the State Ethics Commission. (House Rule 63, Senate Rule 79; Section 36-25-4)

Prohibited Practices

- (1) No person shall knowingly or willfully make any false statement of fact to a legislator for the purpose of influencing legislation. (Section 36-25-26)
- (2) No person shall offer or give to a public official or employee anything of value to influence official action. (House Rule 65, Senate Rule 81)

- (3) No former House or Senate member has floor privileges in a lobbying capacity. (Section 36-25-23)
- (4) No lobbyist shall be permitted on the floor of the Senate or House while it is in session. (House Rule 63, Senate Rule 79)

Penalties

An individual violating the lobbying regulations shall be fined a maximum of \$10,000 or imprisoned for ten years, or both.
(Section 36-25-27)

The House or Senate may prohibit a violator from lobbying for the duration of the session, and from appearing before any committee.
(House Rule 68, Senate Rule 84)

FLORIDA

LOBBYING LAWS

(Florida Statutes, Sections 11.045 through 11.061)

WHO is a "Lobbyist"

Any person who seeks to encourage the passage, defeat or modification of any legislation in the House or Senate or any committee thereof. (Section 11.045(2))

Also any person employed by any executive, judicial or quasi-judicial department of the state for such purpose. (Section 11.061)

Excludes:

- (1) Members of the legislature or their authorized aides.
- (2) A person appearing before the legislature or a committee in his individual capacity for the purpose of self-representation, without compensation or reimbursement. (Section 11.045(2))

WHO Registers

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHERE to Register and File Reports

Joint Legislative Office
Office of House Clerk
State Capitol, Room 427
Tallahassee, Florida 32304
(904) 488-1234

WHEN to Register

Prior to the time of lobbying. Separate registration required for each principal represented. (Section 11.045(2))

Registration Fee: None Required.

Contents of Registration Statement

- (1) Name and business address of lobbyist.
- (2) Business address of principal.
- (3) General and specific areas of legislative interest.
- (4) Any business association or partnership with any current member of the legislature. (Section 11.045(2))

WHO Files Reports

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHEN to File Reports

January 15 and July 15 of each year. (Section 11.045(3))

Lobbyist Disclosure Statement

Statement of session expenditures, for the period January 1 through January 30, shall be filed by July 15 of each year. A statement of interim expenses shall be filed by January 15 including expenditures for any special sessions. Expenditures shall not include personal expenses for lodging, meals and travel. A statement shall be filed even if there have been no expenditures. (Section 11.045(3))

HOW to Identify a Lobbyist

All reports and registrations shall be open to the public.
(Section 11.045(3))

Prohibited Practices: None

Penalties

Either the House or the Senate can prohibit a person from lobbying for violating their rules, in addition to any prosecution or penalties otherwise provided by law. (Sections 11.045(6),(7))

LOBBYING LAWS

(Iowa Senate and House Rules Governing Lobbyists)

WHO is a "Lobbyist"

Section 688.10 of the Iowa Code requires each House to adopt rules concerning lobbying. In addition, certain state officials are required to adopt departmental rules concerning public disclosure of gifts.

A lobbyist is a person who:

- (1) Is paid compensation to encourage the passage, defeat or modification of legislation.
- (2) Expend money in an attempt to encourage the passage, defeat, or modification of legislation.
- (3) Represents on a regular basis an organization which has as one of its main purposes the encouragement of the passage, defeat, or modification of legislation.
- (4) Is a federal, state, or local government official or employee representing an official position of his department, board, or agency, and who attempts to encourage the passage or defeat or modification of legislation.

Excludes:

- (1) Officials and employees of a political party, having more than two percent of the total votes cast in last gubernatorial election, representing that party.
- (2) Newspersons.
- (3) Federal, state, or local government employees or officials who submit proposed legislation, provide information, or appear before Senate committees, provided they do not actively encourage the passage, defeat, or modification of legislation.
- 7?? (4) Elected officials.
- (5) Constituents representing their own interests before their legislators. (Senate Rule 1, House Rule 1)

WHO Registers

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHERE to Register and File Reports

Secretary of Senate or Chief House Clerk, depending on where the individual intends to lobby.

WHEN to Register

Before beginning lobbying activities. In addition:

Senate: Registration expires at the end of each General Assembly; Amendments are filed within 10 days of the change.

House: No other specific provisions. (Senate Rule 4, House Rule 2)

Registration Fee: None Required.

Contents of Registration Statement

- (1) Names, addresses, phone numbers of all lobbyists and principals.
- (2) General subjects of interest to lobbyist, number of bills and resolutions which will be lobbied and whether lobbyist will oppose each bill.

In addition, the Senate Rules require a detailed description of any contingent fee arrangement. (Senate Rule 4, House Rule 2)

WHO Files Reports

- (1) Persons who have made gifts on any one occasion which have a value in excess of \$15 to any legislator, legislative employee or any immediate family member of a legislator or legislative employee.
- (2) Senators or Senate employees who themselves or through their families have received gifts valued over \$15 on any one occasion.
- (3) Persons who have made gifts to two or more members or employees of the General Assembly and their immediate families which cannot be precisely attributed to each recipient shall file reports averaging the cost among all recipients if the cost per recipient exceeds \$15 (Senate Rule 19, House Rule 10)

WHEN to File Reports

The 15th day of a month, for gifts made or received during the preceding month. (Senate Rule 18, House Rule 10)

Lobbyist Disclosure Statement

The donor reports shall include:

- (1) A list of donee legislators, employees or immediate family members receiving gifts valued in excess of \$15 at any time, the donor, the date, the nature and amount of the gift.
- (2) A monthly total of all gifts by persons and their principals to Senators, Senate employees and families, regardless of dollar value.
- (3) The amount of an honorarium for speaking in excess of \$15 paid to a Senator or employee, including reimbursement for or payment of actual expenses.
- (4) If a legal entity other than a natural person makes a gift to a House member, the legal entity shall report the gift as a donor.

The reports by Senators and Senate employees shall include:

- (1) The nature, amount, date and donor of a gift valued over \$15 paid to them or to each immediate family member.
- (2) All honoraria in excess of \$15 paid to Senators for speaking.
(Senate Rule 19, House Rule 10)

HOW to Identify a Lobbyist

All statements filed under these rules will be public records subject to public inspection. (Senate Rule 17, House Rule 3)

Prohibited Practices

No lobbyist shall:

- (1) Supply a Senator with a charge account.
- (2) Offer economic opportunity or promise employment for the purpose of exerting undue influence over a member of either House.
- (3) Pay membership fees to clubs on behalf of Senators.
- (4) Be permitted on the floor while the House or Senate is in session.
- (5) Be paid a contingent fee or bonus for his services before the House.
- (6) Lobby as a designated representative of a governmental office, without authorization from such office. (Senate Rules 5-11, House Rules 4-6)

Penalties

Penalties are prescribed by the Senate or House Ethics Committee. Violations may result in suspension if such action is directed by two-thirds vote of the House wherein the violation occurred.

MICHIGAN

LOBBYING LAWS

(Michigan Compiled Laws, Sections 4.401 through 4.410)

WHO is a "Lobbyist"

A person who is employed by a person, firm, association or corporation, or by any board, department or agency of the State of Michigan, or any political subdivision thereof, to engage in promoting, advocating, or opposing any matter pending before or which might legally come before the legislature or its committees. (Section 4.401)

Excludes:

- (1) Any person who confines his lobbying activities to written communications or formal appearances before legislative committees and who in writing clearly identifies himself and each person, firm, association, corporation, and other interest he represents.
- (2) Any person whose contact with the legislature is limited to furnishing information at the request of any legislator or legislative committee. (Section 4.403)

WHO Registers

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHERE to Register and File Reports

Secretary of State
Department of State
1st Floor, Treasury Building
Lansing, Michigan 48918
(517) 373-2510

WHEN to Register

Before engaging in lobbying activities. Amendments are filed within one week of the change. Certificate expires December 31. (Sections 4.404, 405, 409)

Registration Fee: \$5 (Section 4.409)

Contents of Registration Statement

- (1) Name, residence, and place of business of lobbyist.
- (2) Name of principal, position held, primary occupation of firm, firm's address.
- (3) Name and address of person or firm who will keep required accounts and records. (Section 4.404)

WHO Files Reports

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHEN to File Reports

A lobbyist shall file a statement within 5 days of a financial transaction with any member of the legislature. (Section 4.407)

Lobbyist Disclosure Statement

The lobbyist's statement shall set forth in detail the nature of the transaction and the name of the legislator. The lobbyist shall also file an address at which records of all expenses and compensation associated with lobbying will be maintained for six years from the year in which expended or received. (Sections 4.406, 407)

HOW to Identify a Lobbyist

The Secretary of State shall issue a certificate to each registered lobbyist and shall send each legislator a copy of the registration information he has received. All information filed is open to public inspection. (Section 4.405)

Prohibited Practices

No lobbyist shall accept employment with his fee contingent upon the outcome of legislation. (Section 4.408)

Penalties

Violation is a felony punishable by a fine of \$200 to \$1,000 or imprisonment of three months to one year. (Section 4.410)

NOTE

Michigan attempted to revise its lobbying law by enacting P.A. 1975, No. 227, but the Michigan Supreme Court in an advisory opinion, 240 NW 2d 193, declared P.A. 1975, No. 227, unconstitutional for embracing more than one subject in violation of the Constitution, Article 4, Section 24, and therefore void in its entirety.

Again the legislature acted, in 1978, when it passed SB 674 (Public Act 472) to be enacted only after rules to implement the law had been promulgated by the Secretary of State. In late 1980 these rules were finally drawn, but just before the law was to become effective in mid-1981, a suit was filed in circuit court seeking a temporary restraining order against implementing the law, which was claimed to be unconstitutionally vague. The order was granted and remains in effect in June, 1982.

MISSISSIPPI

LOBBYING LAWS

(Mississippi Code, Sections 5-7-1 through 5-7-15)

WHO is a "Lobbyist"

Any employee of a person, firm, corporation, government agency or association whether said employment be by fee, contractual arrangement, retainer agreement, or salary basis who is assigned, as a regular function of his employment, to influence in any manner, including the dissemination of information, the act or vote of any legislator or to advocate, oppose or amend any matter that is before or might come before the legislature or its committees, even though the individual may receive no additional or different compensation. (Section 5-7-1)

Excludes:

- (1) An individual representing his own interest or his principal's interest where that is not the primary function of his employment.
- (2) One who appears in response to an invitation.
- (3) A professional who drafts bills or advises clients on the effect of proposed legislation.
- (4) A person, not employed by a firm or association as described above who attempts to influence by argument or briefs the legislature or its committees.
- (5) A newsperson.

WHO Registers

- (1) Principal - YES
- (2) Lobbyist/Employee - YES

WHERE to Register and File Reports

Secretary of State
414 North Street
P.O. Box 136
Jackson, Mississippi 39205
(601) 354-6541

WHEN to Register

Within fifteen days of employment, the lobbyist and principal shall furnish a signed statement of their names, business addresses, the nature of their business, and the legislation they seek to influence. Changes must be recorded by principal and lobbyist within five days of such change. (Section 5-7-1)

Registration Fee: \$25.00. (Section 5-7-5)

Contents of Registration Statement

- (1) If an individual: Name, residence, and business address.
- (2) If a firm: Name and address of the firm, and the name and residence of each partner.
- (3) If a corporation: Name and address of the corporation, and the name and residence of each officer.
- (4) Nature of business.
- (5) Name, address, occupation and duration of employment of each agent.
- (6) Subject matter that might come before legislature or its committees. (Section 5-7-1)

WHO Files Reports

- (1) Principal - YES
- (2) Lobbyist/Employee - YES

WHEN to File Reports

- (1) Every principal who has expended, promised to expend, or caused to be expended anything of value for the purpose of influencing legislation shall file an itemized statement on May 30 of each year.
- (2) Every lobbyist who receives anything of value for the purpose of influencing legislation shall file an itemized statement on May 30 of each year. (Section 5-7-13)

Lobbyist Disclosure Statement

The principal's report shall contain in detail all expenses incurred during the preceding twelve months with the names of the payees and the amount paid each. The lobbyist's report shall contain all value received or expended by him and all liabilities directly or indirectly incurred by him with the complete names and addresses of the reporter, and the names and addresses of the recipients giving the place, date, and amount of each item.

Both the lobbyist's and principal's reports will list any legislator who received in excess of \$25, giving the name and date. (Section 5-7-13)

HOW to Identify a Lobbyist

All information on file with the Secretary of State is open to public inspection for five years from date of receipt. (Section 5-7-1)

Prohibited Practices

No person or firm to be employed on a contingent basis. (Section 5-7-9)

Penalties

Individuals: First offense fined not more than \$1,000 or imprisonment in county jail for six months or both. Second or subsequent offenses fined not more than \$5,000 or imprisonment in a penitentiary for three years, or both.

Corporations: Fined not more than \$5,000. (Section 5-7-15)

MISSOURI

LOBBYING LAWS

(Revised Statutes of Missouri, Section 105.470)

WHO is a "Lobbyist"

Any person, including a person employed by or representing federal or state agencies and all political subdivisions thereof, who acts in the course of his employment or who engages himself for pay or for any valuable consideration for the purpose of attempting to influence legislation or the promulgation of any rule or regulation; or any person who receives any direct or indirect benefits or expenses for lobbying activities, by grant or otherwise from any state, the federal government, or any private not-for-profit foundation.

Excludes members of the General Assembly or elected state officers.

WHO Registers

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHERE to Register and File Reports

The Secretary of the Senate and the Chief Clerk of the House.

WHEN to Register

The lobbyist shall file not later than five days after beginning lobbying activities. Amendments shall be filed by the lobbyist within one week of any change.

Registration Fee: None Required.

Contents of Registration Statement

- (1) Name and business address of lobbyist.
- (2) Name and address of anyone employed by lobbyist.
- (3) Name and address of principal.

WHO Files Reports

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHEN to File Reports

The lobbyist shall file itemized expense reports with the Clerk of the House and the Secretary of the Senate within ten days after the convening of any regular session of the General Assembly, 45 days before the adjournment of any regular session and within 30 days

after each session in each year in which a lobbyist continues to engage in lobbying activities.

Lobbyist Disclosure Statement

The reports shall contain:

- (1) The lobbyist's total expenditures on lobbying categorized as printing and publication expenses, media and other advertising expenses, travel, and entertainment.
- (2) A list showing the name of the recipient and the amount of each honorarium, gift or loan including a service or anything of value exceeding \$25 provided during a calendar month to a legislative official.
- (3) Separate statements for each principal the lobbyist represented, describing the legislative action sought to be influenced.
- (4) Reports shall cover the time period since the filing of the last report or since the lobbyist's representation began, whichever is more recent.

HOW to Identify a Lobbyist

All information filed with the Secretary of the Senate and the Clerk of the House is open to public inspection for two years from the date of filing.

Prohibited Practices: None.

Penalties

Maximum fine not to exceed \$1,000 or one year imprisonment, or both. Lobbyist prohibited from registering for two years following conviction.

OREGON

LOBBYING LAWS

(Oregon Revised Statutes, Sections 171.725 through 171.992)

WHO is a "Lobbyist"

- (1) Any person who is compensated, or receives a consideration of any kind, for influencing or attempting to influence legislative action.
- (2) Any noncompensated person who expends, in addition to his personal travel, meals, and lodging expenses, \$50 or more during any reporting period.
- (3) Any noncompensated person who provides his personal services as a representative of a corporation, organization or other group for the purpose of lobbying.
- (4) Any public official who lobbies on behalf of a public agency.

Excludes:

- (1) Newspersons.
- (2) Persons whose lobbying activities are limited to formal appearances at legislative or state agency public hearings, who receive no additional compensation for their appearances and who register their appearances in the committee or agency records.
- (3) A legislative official acting in an official capacity.
- (4) Any person who spends no more than sixteen hours during any calendar quarter lobbying, excluding personal travel time, and spends no more than \$50 per calendar quarter, excluding the cost of personal travel, meals and lodging. (Sections 171.725, 171.735)

WHO Registers

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHERE to Register and File Reports

Governmental Ethics Commission
102 Public Service Building
Salem, Oregon 97310
(503) 378-5105

WHEN to Register

A lobbyist must register within three working days of engaging in any activity by which he attempts to influence legislative action. If a lobbyist, within one of the exceptions, exceeds the limit of the exception (that is, he spends more than \$50 or 16 hours outside of formal committee testimony), he should at the time he exceeds the limit register as a lobbyist. The principal signs an authorization for the lobbyist. Notice of termination is immediately filed by the

lobbyist when he ceases to engage in activities to influence legislation. (Sections 171.735, 171.740)

Registration Fee: None Required.

Contents of Registration Statement

- (1) Name and address of the lobbyist.
- (2) Name and address of each person or agency by whom lobbyist is employed or in whose interest he appears or works, a description of the business or area of endeavor of such principal, and a designation by each such principal that the lobbyist is authorized to lobby for that person or agency.
- (3) The name of any member of the Legislative Assembly who is in any way employed by the lobbyist or the lobbyist's principal or is associated with a business with which the lobbyist is in any way associated.
- (4) The general subject(s) of the lobbyist's legislative interest.
(Section 171.740)

WHO Files Reports

- (1) Principal - YES
- (2) Lobbyist/Employee -- YES

WHEN to File Reports

The lobbyist shall file a quarterly expense report by the last day of the succeeding month. During an interim, the lobbyist shall file a quarterly expense report by 5:00 PM on the last day of the succeeding month. The principal of a registered lobbyist shall file an annual expenditure report by 5:00 PM on January 31.
(Sections 171.745, 171.750)

Lobbyist Disclosure Statement

The lobbyist's quarterly reports shall contain any expenditures for the purpose of influencing legislation, categorized as:

- (1) Food, beverage, and entertainment.
- (2) Printing, postage and telephone.
- (3) Advertising, public relations, education, and research.
- (4) Miscellaneous: a) Any single expenditure in excess of \$36 shall be listed, giving date, name of payee, purpose, the amount, b) The name of any legislative or executive official to whom or for whose benefit an expenditure of \$36 is made, giving the date, name of the payee, purpose, and amount.

Excludes:

- (1) Lobbyist's compensation for personal travel, meals, and lodging expenses.
- (2) Political contribution or expenditure if it is reported elsewhere.
- (3) Office overhead if reported by the principal in his annual expenditure.

The principal's annual expenditure report shall contain all expenditures incurred for the purpose of influencing legislation. The principal's report need not be itemized. This includes:

- (1) All payments for compensation, overhead support personnel, other personnel expenses.
- (2) All expenditures reported by the principal's lobbyist in his monthly or quarterly reports.
- (3) The name of any legislative or executive official to whom or for whose benefit an expenditure in excess of \$25 is made by the principal, the date, name of payee, and the purpose and amount unless this information is previously reported in the lobbyist's reports.
- (4) The portion of funds spent on a public affairs program that is related to lobbying.
(Sections 171.745, 171.750)

HOW to Identify a Lobbyist

All registration and other statements which are filed within the Government Ethics Commission are available for public inspection.

Prohibited Practices

No lobbyist shall:

- (1) Instigate the introduction of legislative action for the purpose of later being employed to oppose it.
- (2) Attempt to influence a legislator's vote by the promise of financial support for his candidacy or opposition to his candidacy in a future election.
- (3) Accept a fee contingent upon the outcome of legislation.
- (4) Knowingly provide false information to a legislator.
- (5) Promise or make a monetary payment, during a legislative session, in order to meet a legislator's campaign expenditures or deficits.

In addition, no person shall offer during any calendar year any gifts with an aggregate value in excess of \$100 to any public official or candidate, or member of his household, if that person has a legislative or administrative interest in a governmental agency in which the official has any official position or over which the official exercises any authority; nor shall any such official or candidate accept such gifts from a single source who could reasonably be known to have a legislative or administrative interest.

"Legislative or administrative interest" means an economic interest, distinct from that of the general public, in one or more matters subject to the formal vote or official action of a public official.
(Section 171.756)

Penalties

Violation results in a civil penalty of not more than \$250 per violation for an individual. Violation by one other than an individual results in a maximum fine of \$1,000 per violation.
(Section 171.992)

- (2) It is unlawful to use state-owned property for campaign advertising and unlawful to use public buildings or facilities unless reasonably equal access is provided to all sides. (Section 2-19-206)
- (3) It is a misdemeanor to knowingly publish or distribute false campaign literature. (Section 2-19-142)

Penalties

Every executive officer, agent, or other representative of any corporation who shall knowingly consent to the use of corporate funds for the support or defeat of a candidate or proposition shall be fined between \$500 and \$2000 and shall be imprisoned between two and six months. (Section 2-19-133)

A corporation which violates the contribution restrictions shall forfeit its charter. (Section 2-19-140)

A candidate or campaign committee that fails to file a statement shall be fined up to \$1000. Willful violation of the campaign disclosure statute by any person is a misdemeanor. (Section 2-10-110)

TENNESSEE

LOBBYING LAWS

(Tennessee Code, Sections 3-6-101 through 3-6-110)

WHO is a "Lobbyist"

Any person communicating directly or indirectly with any official in the Legislative or Executive Branch with the purpose of influencing any legislative or administrative action. Any person who makes an expenditure, excluding payment of membership dues in excess of \$200 in any report period, to solicit others, either directly or by an advertising campaign, or to communicate with any official in the Legislative or Executive Branch with the purpose of influencing legislative or administrative action. Includes any official of the Executive or Judicial Branch, or any state educational institution who communicates directly or indirectly with any official in the Legislative Branch with the purpose of influencing legislative action. (Section 3-6-102)

Excludes:

- (1) Persons giving information at the request of a legislator.
- (2) Persons testifying at an official hearing.
- (3) Representatives of a bona fide religion.
- (4) Public official performing the duties of his office.

- (5) Any attorney representing his client's rights.
- (6) Newspersons.
- (7) An individual acting solely on his own behalf who does not spend in excess of \$200 during any reporting period.
- (8) A person whose sole means of soliciting is by means of an employee or an independent agent who is a registered lobbyist.
(Sections 3-6-102, 3-6-104)

WHO Registers

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHERE to Register and File Reports

State Librarian and Archivist
Division of Library and Archives
Department of Education
403 Seventh Avenue, North
Nashville, Tennessee 37219
(615) 741-2451

WHEN to Register

Within five days after becoming a lobbyist. Before lobbying shall file written proof of his authority to lobby. Supplemental registration forms are filed within fifteen days of any change in information filed. (Section 3-6-104)

Registration Fee:

\$25 per year. Those lobbyists who are officials of the Executive or Judicial Branch or any state educational institution are exempt from the fee. (Section 3-6-104)

Contents of Registration Statement

- (1) Registrant's full name and address.
- (2) Full name and address of each client of the registrant.
- (3) Full name and address of registrant's employees retained for the purpose of lobbying.
- (4) A list of general categories on which the registrant lobbies.
- (5) A statement by each principal that he has read the registration, knows its contents, and has authorized the registrant to be a lobbyist on his behalf. (Section 3-6-105)

WHO Files Reports:

- (1) Principal - NO
- (2) Lobbyist/Employee - YES

WHEN To File Reports

Each lobbyist must file a sworn report concerning lobbying activities annually to cover the period from the last report through the day following the end of the regular annual session of the General Assembly. Such report shall be filed not later than thirty days after the end of such legislative sessions. (Section 3-6-106)

Lobbyist Disclosure Statement

- (1) Details of any direct business arrangements or partnerships with any candidate for public office and any official in the Legislative and Executive Branch, provided, however, that this section shall not apply to arrangements or partnerships entered into prior to the effective date of the Act, July 1, 1975.
- (2) An itemized list of each gift of \$25 or more and each political contribution of \$100 or more made by the registrant or anyone acting in his behalf to benefit a candidate for public office, an official of the Legislative or Executive Branch, a member of his staff or a candidate for public office or such official. (Section 3-6-106)

HOW to Identify a Lobbyist

Each lobbyist shall include with his registration a black and white glossy photograph. (Section 3-6-105)

State librarian shall make all information filed available for public inspection. (Section 3-6-103)

Prohibited Practices

- (1) Offering anything of value to an official in the Executive or Legislative Branch or immediate family with the understanding that the official's action, vote or judgment will be influenced thereby.
- (2) Making false statements or misrepresentations concerning lobbying matters to officials in the Legislative or Executive Branch.
- (3) Making a loan of money to any candidate for public office, officials in the Executive or Legislative Branch, or to anyone on their behalf. (Section 3-6-108)

Penalties

Violation of prohibited activities is a misdemeanor. When one fails to file a required report on time, he shall have ten days after notice from the librarian to comply. Failure to file within that period shall result in suspension of the lobbyist's registration. (Section 3-6-110)

2 AAC 50.540. REPORTING COMPENSATION OR PAYMENTS BY THE EMPLOYER OF LOBBYIST. When reporting compensation to a lobbyist or payment to an employee, as required by AS 24.45.171(10)(A), (B), (D) and (E), the amount shown must include the gross wages paid or payable, and prorated as applicable, plus any benefits which are in place of wages, such as stock options or the purchase of annuities. Routine fringe benefits such as the employer's contribution to health plans, retirement plans, etc., which are made on behalf of all employees and the payment of employer's payroll taxes, are not payments to influence legislative or administrative action and are not reportable. (Eff. 12/29/77, Reg. 64)

Authority: AS 24.45.021(b)

AS 24.45.061(b)(3) and (6)

AS 24.45.171(10)(A),(B),(D)
and (E)

2 AAC 50.542. GIFTS AND EXCHANGES. "Gifts" and "exchanges," as used in AS 24.45.051(3) and (4), and for the purposes of AS 24.45 and 2 AAC 50, are not reportable by the lobbyist under AS 24.45.051 if the gift or exchange of an item of value is between members of the immediate family of the lobbyist. (Eff. 7/22/78, Reg. 67)

Authority: AS 24.45.021(b)

2 AAC 50.545. DEFINITIONS FOR 2 AAC 50.505 - 2 AAC 50.545. (a) In 2 AAC 50.505 - 2 AAC 50.545

(1) "person," in addition to the terms set out in AS 01.10.030(7), includes a labor union;

(2) "public official" means a public official as defined in AS 39.50.200(1); however, it does not include a judicial officer or an elected or appointed municipal officer.

(b) "Administrative action," as defined in AS 24.45.171(1), does not include normal inquiries of administrative agencies, or routine actions made necessary by law, or the actions of a person who limits his lobbying activities to appearances before any public proceeding of a regulatory or administrative agency which conducts proceedings in open public hearing for which public notice is given and which creates a record of all proceedings and provides access to the public records or transcripts and to all

material which is submitted as part of the record.

(c) "Communicate directly," as used in AS 24.45.171(8)(A), means to talk, either in person or by telephone, with any public official legislative employee; it does not include time spent in the research, drafting, preparation or adaptation of documents for use by the lobbyist.

(d) "Legislative action," as defined in AS 24.45.171(7), includes the actions of an "employee of the legislature acting in his official capacity," and any attempt to influence legislative action includes not only the elected official, but an employee of the legislature as well; money and time spent on lobbying activities involving a legislative employee is reportable by the lobbyist as required by AS 24.45.051 and the employer of a lobbyist as required by AS 24.45.061(b) and by this chapter. "Legislative employee" means an employee of the legislature acting in his "official capacity," as that term is used in AS 24.45.171(7).

(e) "Payments in support of or assistance to a lobbyist or his activities," as used in AS 24.45.171(10)(B), includes direct costs and expenses incurred by the employer in the current research, drafting, preparation and adaptation of documents for use by the lobbyist for the purpose of influencing legislative or administrative action.

(f) "Substantial or regular," as used in AS 24.45.171(8)(A), means that a person who is not employed specifically for the purpose of influencing legislative or administrative action, or a person whose contractual services are not specifically for the purpose of influencing legislative or administrative action, is considered to be a lobbyist if, within a 30-day period, he spends in excess of four hours in direct communication with a public official or legislative employee in activities directed toward

aid by law out of the General Fund for payment of the expenses of the Legislative Assembly. (1969 c.236 (2))

171.660 (1969 c.236 (3), repealed by 1975 c.530 (9))

171.670 Authority for approval of disbursements during interim. Subject to any other grant of or limitation on authority to authorize the incurring of and approve disbursements for indebtedness or expenses of the Legislative Assembly to be paid from amounts appropriated by law out of the General Fund for that purpose, which may be adopted by joint resolution of both houses, such authority is vested as follows:

(1) For general expenses of the Legislative Assembly not specifically attributable to either house, in the Legislative Administration Committee.

(2) For expenses specifically attributable to either house, in the President of the Senate or the Speaker of the House of Representatives, as the case may be. (1975 c.530 (8))

171.705 (1963 c.11; 1975 c.136 (1); 1979 c.593, renumbered 163.710)

171.707 (1975 c.136 (3) enacted in lieu of 171.710; 1979 c.593 (2), renumbered 163.715)

171.709 (1975 c.136 (4) enacted in lieu of 171.710; 1979 c.593 (3), renumbered 163.720)

171.710 (1963 c.11; 1975 c.136 (2) enacted in lieu of 171.707, 171.709, 171.713 enacted in lieu of 171.710)

171.713 (1975 c.136 (5) enacted in lieu of 171.710; 1979 c.593 (4), renumbered 163.725)

171.715 (1977 c.161 (3), repealed by 1979 c.593 (34))

LOBBYING REGULATION

171.725 Definitions for ORS 171.725 to 171.785. As used in ORS 171.725 to 171.785, unless the context requires otherwise:

(1) "Consideration" includes a gift, payment, distribution, loan, advance or deposit of anything of value, and includes a contract, promise or agreement, whether or not legally enforceable.

(2) "Executive agency" means a commission, board, agency or other body in the executive branch of state government that is not part of the legislative or judicial branch.

(3) "Executive official" means any member or member-elect of an executive agency or any member of the staff or an employee of a member of a state board or commission other than a member who is employed in the public service, shall not be consid-

ered an executive official for purposes of ORS 171.725 to 171.785.

(4) "Legislative action" means introduction, sponsorship, testimony, debate, voting or any other official action on any measure, resolution, amendment, nomination, appointment, or report, or any matter which may be the subject of action by either house of the Legislative Assembly, or any committee thereof or the approval or veto thereof by the Governor.

(5) "Legislative official" means any member or member-elect of the Legislative Assembly, any member of an agency, board or commission established by or responsible to the Legislative Assembly or either house thereof, and any staff person assistant or employee thereof.

(6) "Lobbying" means influencing, or attempting to influence, legislative action.

(7) "Lobbyist" means:

(a) Any person who agrees to provide his personal services for money or any other consideration for the purpose of lobbying.

(b) Any person not otherwise subject to paragraph (a) of this subsection who provides his personal services as a representative of a corporation, association, organization or other group, for the purpose of lobbying.

(c) Any public official who lobbies.

(8) "Public agency" means a commission, board, agency or other governmental body.

(9) "Public official" means any member or member-elect of any public agency and any member of the staff or an employee thereof. (1975 c.530 (7), 1975 c.747 (1); 1977 c.568 (1))

171.730 Lobbying regulation purpose. The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the Legislative Assembly or the executive branch to take specific actions, either by direct communication to such officials or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. (1973 c.802)

171.735 Application of ORS 171.730 and 171.745 to certain persons. Provided that persons are not registered with the Oregon Government Ethics Commission, ORS 171.740 and 171.745 do not apply to the following persons:

(1) News media or their employees or agents, who in the ordinary course of business publish or broadcast news items, editorials or other comments or paid advertisements which directly or indirectly urge legislative action if such persons engage in no other activities in connection with such legislative action.

(2) Any legislative official acting in an official capacity.

(3) Any individual who receives no additional consideration for lobbying and who limits lobbying activities solely to formal appearances to give testimony before public sessions of committees of the Legislative Assembly, or public hearings of state agencies, and who, if the individual testifies, registers an appearance in the records of such committees or agencies.

(4) An individual who spends not more than 16 hours during any calendar quarter lobbying, excluding travel time, and who does not spend an amount in excess of \$50 during any calendar quarter excluding the cost of personal travel, meals and lodging.

(5) The Governor, Executive Assistant to the Governor, Legal Counsel to the Governor, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 175.060, Attorney General, Deputy Attorney General appointed pursuant to ORS 175.130, Superintendent of Public Instruction and Commissioner of the Bureau of Labor Industries. (1973 c.802 (3); 1974 c.72; 1977 c.747 (2); 1977 c.568 (1); 1979 c.666 (1); 1981 c.161)

171.740 Lobbyists required to register; contents of statement; fee. (1) Within three working days after engaging in lobbying, each lobbyist or public agency shall register with the Oregon Government Ethics Commission by filing with the commission a statement containing the following information:

(a) The name and address of the lobbyist.

(b) The name and address of each person or agency by whom the lobbyist is employed or in whose interest he appears or works, a description of the trade, business, profession or area of endeavor of that person or agency, and a designation by each such person or agency that the lobbyist is officially authorized to lobby for that person or agency.

(c) The name of any member of the Legislative Assembly who is in any way employed by the lobbyist employer designated in para-

375-5105
Ann. - Budget
limited to 16 hours a calendar qtr. \$50 per
calendar quarter - including meals travel & lodging

any individual who appears as counsel or any individual who engages in lobbying other thing of value consists of nothing and reasonable expenses incurred for el, lodging, and parking, while engaged incurred in informing the organization others thereof of his lobbying.

1962, § 1; C.R.S. 1963, § 3-37-301; L. 77, 38, § 37.

required. (1) Any person who by himself other person in any manner, directly or gives money or any other thing of value to be used for lobbying by any person the secretary of state in accordance with

ed to file disclosure statements pursuant ut who makes expenditures for gifts or ofit of covered officials in the aggregate calendar year, shall file disclosure state- accordance with this section. Such disclo- and reasonable expenses incurred for l, lodging, and parking.

re filed within fifteen days after the end any contribution is received or receivable ed for lobbying and shall be filed within bsequent month during the calendar year, for the entire calendar year shall be filed year.

ment set out in section 24-6-301 (1.9) (b) a cumulative disclosure statement for the shall not have to file monthly disclosure becomes required to do so by virtue of

to any political committee, volunteer s own behalf, state official or employee lected public official acting in his official

1962 § 1; C.R.S. 1963, § 3-37-302, L. 77.

essional lobbyist - filing of disclosure in (1) Any professional lobbyist, before with the secretary of state and file a writ- contain

(b) The name, address, and telephone number of any person by whom he is employed;

(c) The name, address, and telephone number of any person for whom he will be lobbying; and

(d) The name, address, and telephone number of any person by whom he is paid or is to be paid for such lobbying.

(1.5) A professional lobbyist shall file an updated registration statement on or before January 15 of each year unless at that time he is no longer a professional lobbyist. Registration under this subsection (1.5) shall be effective until January 15 of the next year.

(2) A registered professional lobbyist shall file disclosure statements as required by section 24-6-302.

(3) All registration statements and disclosure statements of professional lobbyists shall be compiled by the secretary of state within thirty days after the end of the calendar month for which such information is filed and shall be organized alphabetically according to the names of the professional lobby-

(4) No individual shall act as a professional lobbyist unless he has received a certificate of registration as provided in section 24-6-305 (1).

(5) An individual shall not be considered a professional lobbyist solely because of his appearance as a witness in rule, standard, or rate-making pro-

(6) This section shall not apply to any political committee, volunteer lobbyist, citizen who lobbies on his own behalf, state official or employee acting in his official capacity, or elected public official acting in his official capacity.

Source: Initiated 1972; L. 73, p. 1663, § 1; C.R.S. 1963, § 3-37-303; L. 77, p. 1151, § 3, L. 79, pp. 853, 1638, § § 1, 2, 38.

Am. Jur.2d. Sec 51 Am. Jur.2d. Lobbying.

24-6-303.5. Lobbying by state officials and employees. (1) Any state official or employee, other than an employee of the legislative department, who engages in the type of lobbying defined in section 24-6-301 (3.5) (a) (I), (3.5) (a) (II), or (3.5) (a) (III) while acting in his official capacity shall file monthly disclosure statements with the secretary of state in accordance with this section. The secretary of state shall prescribe a form for such disclosure statements which shall include:

(a) The legislation on which the disclosing individual is lobbying;

(b) Any expenditures of public funds used for lobbying;

(c) An estimate of the time which the official or employee and any other employees of his agency have spent to prepare the lobbying presentation;

(d) The response of a state official or employee to an inquiry from a covered official shall not be considered lobbying within the meaning of this section.

Source: L. 77, p. 1151, § 3, L. 79, p. 1638, § 30

(VIII) The total sum of all expenditures made by or on behalf of the disclosing person in connection with lobbying since the last disclosure statement and during the calendar year;

(IX) A statement, which shall only be given by a professional lobbyist, which contains the names of, and the amounts of any expenditures or contributions made to, any papers, periodicals, magazines, radio or television stations, or other media of mass communication to whom expenditures or contributions were made in which the professional lobbyist or his employer or agent has caused to be published any advertisements, articles, or editorials relating to lobbying; except that this information is not required for regular or routine publications sent primarily to the members of the professional lobbyist's organization, which publications contain information relating to his lobbying;

(X) The nature of the legislation, standards, rules, or rates for which the disclosing person is receiving contributions or making expenditures for lobbying and, where known, the specific legislation, standards, rules, or rates.

(b) The secretary of state shall prescribe a form for disclosure statements, which shall contain:

(1) A statement, which the disclosing person may adopt, if true, that no change has occurred since the prior month's disclosure statement, in which case the information required by paragraph (a) of this subsection (1.9) may be omitted;

(II) A statement, which the disclosing person may adopt, if true, that no unreported contributions for lobbying are receivable and that no unreported expenditures for lobbying will be made during the remainder of the calendar year.

(c) Whenever a person required to file a disclosure statement under this part 3 solicits, collects, or receives contributions which are used for lobbying as well as for other purposes, or makes an expenditure which is attributable to lobbying as well as to other purposes, such contributions and expenditures shall be allocated between lobbying and other purposes, and the disclosure statement shall contain that portion allocated to lobbying.

(2) "Expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(3) Repealed, L. 77, p. 1154, § 12, effective July 1, 1977.

(3.5) (a) "Lobbying" means communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing:

(I) The drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto by any covered official on:

(A) Any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the general assembly or committee thereof, whether or not the general assembly is in session;

(B) Any other matter pending or proposed in writing by any covered official for consideration by either house of the general assembly or a committee thereof, whether or not the general assembly is in session;

(II) The convening of a special session of the general assembly;

(III) The convening of a special session of the general assembly for the consideration of business to be transacted at such session;

(IV) The drafting, consideration, amendment, passage, defeat, approval, or veto by any covered official of any standard, or rate of any state agency having jurisdiction over the same;

(V) Subject to the exclusions and provisions of subsection (3.5), the purpose of determining when contributions and expenditures are reportable in disclosure statements, "lobbying" includes the person engaging in lobbying and persons acting for the person in connection with lobbying which in fact ultimately occurs, provided that such reports shall be required for activities occurring during the calendar year;

(VI) Expenditures shall not be reported when made by a person in the ordinary course of the person's business and are not made for lobbying. Such not include, but not be limited to, the keeping of books, records, or files, or the collection of statistics and other data.

(VII) "Lobbying" does not include communication in response to a statute, rule, regulation, or order of the executive branch.

(VIII) "Lobbying" does not include communication before a committee of the general assembly or a commission solely as a result of an affirmative subpoena or commission issuing a mandatory order that he appear and testify, or making such a statement in a proceeding whether or not he is reimbursed by the commission for his expenses incurred in making such a statement.

(IX) Subject to the provisions of subparagraph (3.5), "lobbying" includes such communications by a person more than three such appearances before any committee of the general assembly in a calendar year. "Appearance", for the purpose of this subsection, means the testimony given before a committee of the general assembly on any bill, resolution, rule, or bill, regardless of the number of appearances necessary to present the testimony.

(X) "Lobbying" does not include communication before a committee of the general assembly when such communications are made on behalf of a person who has been identified and when such communication is subject to control by the judicial branch of government.

(XI) "Lobbying" does not include duties performed by a person in the executive branch of government.

(XII) "Person" means an individual, partnership, corporation, or any other organization or group of persons, but does not include a political committee.

(XIII) "Political committee" means any committee or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the presidential and vice presidential election or any primary or caucus election of a national, state, or local political party.

(XIV) "Professional lobbyist" means any person who is engaged by any other person for pay or fee to lobby on behalf of another person.

(XV) "Professional lobbyist" does not include a person who is engaged by any other person for pay or fee to lobby on behalf of another person.

(XVI) "Professional lobbyist" does not include a person who is engaged by any other person for pay or fee to lobby on behalf of another person.

(XVII) "Professional lobbyist" does not include a person who is engaged by any other person for pay or fee to lobby on behalf of another person.

(XVIII) "Professional lobbyist" does not include a person who is engaged by any other person for pay or fee to lobby on behalf of another person.

of the dis-
e statement

al lobbyist,
es or contri-
bution sta-
nditures or
his employer
or editorials
for regular
professional
relating to his

or which the
es for lobby-
r rates.
e statements,

true, that no
ent, in which
ion (1.9) may

true, that no
no unreported
f the calendar

ent under this
d for lobbying
is attributable
d expenditures
the disclosure

ance, deposit,
t, promise, or
nditure.

alighting others
ing in or influ-

debate, amend-
d on:

ment, or report,
tion by either

(III) The convening of a special session of the general assembly or the specification of business to be transacted at such special session;

(IV) The drafting, consideration, amendment, adoption, or defeat of any rule, standard, or rate of any state agency having rule-making authority.

(b) Subject to the exclusions and provision of this paragraph (b), for the purpose of determining when contributions and expenditures become reportable in disclosure statements, "lobbying" includes activities undertaken by the person engaging in lobbying and persons acting at his request to prepare for lobbying which in fact ultimately occurs, provided:

(I) No such reports shall be required for activities occurring prior to the preceding calendar year;

(II) Expenditures shall not be reported when such expenditures are incurred by a person in the ordinary course of the business or affairs of such person and are not made for lobbying. Such nonreportable expenditures will include, but not be limited to, the keeping of books of account and the routine collection of statistics and other data.

(c) "Lobbying" does not include communications made by a person in response to a statute, rule, regulation, or order requiring such a communication.

(d) (I) "Lobbying" does not include communications by a person who appears before a committee of the general assembly or a rule-making board or commission solely as a result of an affirmative vote by the committee, board, or commission issuing a mandatory order or subpoena commanding that he appear and testify, or making such a person a respondent in such proceeding whether or not he is reimbursed by the committee, board, or commission for his expenses incurred in making such appearance.

(II) Subject to the provisions of subparagraph (I) of this paragraph (d), "lobbying" includes such communications by any person who makes more than three such appearances before any committee, board, or commission in a calendar year. "Appearance", for the purpose of this paragraph (d), means the testimony given before a committee, board, or commission on a single issue, rule, rate, or bill, regardless of the actual number of physical appearances necessary to present the testimony.

(e) "Lobbying" does not include communications made by an attorney-at-law when such communications are made on behalf of a client whose name has been identified and when such communications constitute the practice of law subject to control by the judicial branch of the state of Colorado.

(f) "Lobbying" does not include duties performed by employees of the legislative department.

(4) "Person" means an individual, partnership, committee, association, corporation, or any other organization or group of persons.

(5) "Political committee" means any committee, association, or organization which accepts contributions or makes expenditures for the purpose of

ARRIVED

RETURN TO:

ALASKA PUBLIC OFFICES COMMISSION

Pouch CO

Juneau, Alaska 99811-0222

(907) 465-4864 or 465-4865

MAR 1 1962

APCC-ANCH

(PLEASE PRINT OR TYPE)

WHO SHOULD FILE THIS FORM: Any registered lobbyist under AS 24.45, even if there are no reportable expenditures made or payments received for the period.

WHAT TO REPORT: See manual of instructions for detailed reporting requirements.

WHEN TO FILE: Monthly reports are due during the calendar month following each calendar month for which a report is required. Quarterly reports are due during the calendar month following each calendar quarter. Administrative lobbyists report on quarterly basis; legislative lobbyist file monthly while Legislature is in session and quarterly thereafter. If both categories apply, report as legislative lobbyist.

1. Lobbyist's Name

Patrick M. Anderson

Hedland, Fleischer, Friedman

Telephone

279-5528

Mailing Address

1016 West Sixth Avenue, Suite 400, Anchorage, AK 99501

Check if New Mailing Address

2. This Report Covers the Period of: (Check ONE Only)

January February March April May June 1st Qtr. 2nd Qtr. 3rd Qtr. 4th Qtr. Amended 19

3. Totals of all reportable expenditures made or incurred by the lobbyist or paid for by the employer on behalf of the lobbyist in connection with lobbying activities.

Show total amount of unreimbursed expenditures.

Proportionate amount accrued, reimbursed or paid directly by each employer for the period. (Give registered name of Employer and use continuation sheet for additional employers).

Category Expense	Total Amount	Employer No. 1 Name:	Employer No. 2 Name:
		Municipality of Anchorage	
Salary, Fee, Retainer	\$6,000.00	\$6,000.00	
Food and Beverage	251.24	251.24	
Living Accommodations	328.60	328.60	
Travel	762.00	762.00	
Office Expense	.00	.00	
Telephone	17.16	17.16	
Secretarial	.00	.00	
Other Expenses (Explain below or reverse)	.00	.00	
Other Compensation (Explain below or reverse)	.00	.00	
TOTAL this period		\$7,359.00	
CUMULATIVE from last report:			
CUMULATIVE TO DATE:		\$7,359.00	

4. Report any gifts and exchanges of money, goods or services with a public official or with a member of the immediate family of a public official that exceeds \$100. (See manual of instructions and AS 24.45.05 1 (4) for details.)

Date	Name and Official Position of Recipient	Nature of Gift or Exchange	Monetary Value

COMPLETE REVERSE SIDE

LOBBYIST REPORT

RETURN TO:

REVISED

ALASKA PUBLIC OFFICES COMMISSION

Pouch CO

Juneau, Alaska 99811-0222

(907) 465-4864 or 465-4865

4/28/82

EASE PRINT OR TYPE)

WHO SHOULD FILE THIS FORM: Any registered lobbyist under AS 24.45, even if there are no reportable expenditures made or payments received for the period.

WHEN TO FILE: Monthly reports are due during the calendar month following each calendar month for which a report is required. Quarterly reports are due during the calendar month following each calendar quarter. Administrative lobbyists report on quarterly basis; legislative lobbyist file monthly while Legislature is in session and quarterly thereafter. If both categories apply, report as legislative lobbyist.

WHAT TO REPORT: See manual of instructions for detailed reporting requirements.

Lobbyist's Name: Patrick M. Anderson Telephone: 279-5528

Living Address: 1016 West Sixth Avenue, Suite 400, Anchorage, AK 99501 Check if New Mailing Address

This Report Covers the Period of: (Check ONE Only)
 January February March April May June 1st Qtr. 2nd Qtr. 3rd Qtr. 4th Qtr. Amended 19 82

Totals of all reportable expenditures made or incurred by the lobbyist or paid for by the employer on behalf of the lobbyist in connection with lobbying activities.

Category Expense	Total Amount	Proportionate amount accrued, reimbursed or paid directly by each employer for the period. (Give registered name of Employer and use continuation sheet for additional employers).
		Employer No. 1 Name: Municipality of Anchorage
		Employer No. 2 Name:
Salary, Fee, Retainer	\$6,000	6,000
Food and Beverage	549.00	549.00
Living Accommodations	1,172.67	1,172.67
Travel	852.00	852.00
Office Expense	---	---
Telephone	249.18	249.18
Secretarial	---	---
Other Expenses (explain below or reverse)	4.12	4.12
Other Compensation (explain below or reverse)	---	---
TOTAL this period	8,826.97	
CUMULATIVE from last report:	7,359.00	
CUMULATIVE TO DATE:	16,185.97	

Report any gifts and exchanges of money, goods or services with a public official or with a member of the immediate family of a public official that exceeds \$100. (See manual of instructions and AS 24.45.051 (4) for details.)

Date	Name and Official Position of Recipient	Nature of Gift or Exchange	Monetary Value

RETURN TO:
ALASKA PUBLIC OFFICES COMMISSION
Pouch CO
Juneau, Alaska 99811-0222
(907) 465-4864 or 465-4865

MAR - 1 1982
APOC - JNO

(PLEASE PRINT OR TYPE)

WHO SHOULD FILE THIS FORM: Any registered lobbyist under AS 24.45, even if there are no reportable expenditures made or payments received for the period.

WHAT TO REPORT: See manual of instructions for detailed reporting requirements.

WHEN TO FILE: Monthly reports are due during the calendar month following each calendar month for which a report is required. Quarterly reports are due during the calendar month following each calendar quarter. Administrative lobbyists report on quarterly basis; legislative lobbyist file monthly while Legislature is in session and quarterly thereafter. If both categories apply, report as legislative lobbyist.

1. Lobbyist's Name **Dwight Perkins** Telephone **5862874**

Mailing Address **245 Marine Wy. #7** Check if New Mailing Address

2. This Report Covers the Period of: (Check ONE Only)
 January February March April May June 1st Qtr. 2nd Qtr. 3rd Qtr. 4th Qtr. Amended 19 82

3. Totals of all reportable expenditures made or incurred by the lobbyist or paid for by the employer on behalf of the lobbyist in connection with lobbying activities.

Show total amount of <u>unreimbursed</u> expenditures.	Proportionate amount accrued, reimbursed or paid directly by each employer for the period. (Give registered name of Employer and use continuation sheet for additional employers).	
Category Expense	Total Amount	Employer No. 1 Name: <u>Numbers & Piretiller</u> <u>Coal</u>
Salary, Fee, Retainer	\$ ---0---	Employer No. 2 Name:
Food and Beverage	---0---	
Living Accommodations	---0---	
Travel	---0---	
Office Expense	---0---	
Telephone	---0---	
Secretarial	---0---	
Other Expenses (Explain below or reverse)	0	
Other Compensation (Explain below or reverse)	---0---	
TOTAL this period		-----0-----
CUMULATIVE from last report:		-----0-----
CUMULATIVE TO DATE:		-----0-----

4. Report any gifts and exchanges of money, goods or services with a public official or with a member of the immediate family of a public official that exceeds \$100. (See manual of instructions and AS 24.45.051 (4) for details.)

Date	Name and Official Position of Recipient	Nature of Gift or Exchange	Monetary Value
	NONE		

COMPLETE REVERSE SIDE

NO. 2
 PERKINS
 2/25

LOBBYIST REPORT

RETURN TO:

ALASKA PUBLIC OFFICES COMMISSION
 Pouch CO.
 Juneau, Alaska 99811-0222
 (907) 465-4864 or 465-4865

MAR - 1 1982
 2/25 APOC JNO
 P.M. H.C.

(PLEASE PRINT OR TYPE)

WHO SHOULD FILE THIS FORM: Any registered lobbyist under AS 24.45, even if there are no reportable expenditures made or payments received for the period.

WHAT TO REPORT: See manual of instructions for detailed reporting requirements.

WHEN TO FILE: Monthly reports are due during the calendar month following each calendar month for which a report is required. Quarterly reports are due during the calendar month following each calendar quarter. Administrative lobbyists report on quarterly basis; legislative lobbyist file monthly while Legislature is in session and quarterly thereafter. If both categories apply, report as legislative lobbyist.

1. Lobbyist's Name Dwight Perkins Telephone 586-2874
 Mailing Address 245 Marine Wy. # 7 Juneau, Ak. 99801 Check if New Mailing Address
 2. This Report Covers the Period of: (Check ONE Only)
 January February March April May June 1st Qtr. 2nd Qtr. 3rd Qtr. 4th Qtr. Amended 1982

3. Totals of all reportable expenditures made or incurred by the lobbyist or paid for by the employer on behalf of the lobbyist in connection with lobbying activities.

Category Expense	Total Amount	Proportionate amount accrued, reimbursed or paid directly by each employer for the period. (Give registered name of Employer and use continuation sheet for additional employers).	
		Employer No. 1 Name:	Employer No. 2 Name:
Salary, Fee, Retainer	\$ ---0---	<u>Sumner & Pinetrees</u>	
Food and Beverage	---0---	<u>Local</u>	
Living Accommodations	---0---		
Travel	0		
Office Expense	0		
Telephone	---0---		
Secretarial	---0---		
Other Expenses (Explain below or reverse)	---0---		
Other Compensation (Explain below or reverse)	---0---		
TOTAL this period		-----0-----	
CUMULATIVE from last report:		-----0-----	
CUMULATIVE TO DATE:		-----0-----	

4. Report any gifts and exchanges of money, goods or services with a public official or with a member of the immediate family of a public official that exceeds \$100. (See manual of instructions and AS 24.45.051 (4) for details.)

Date	Name and Official Position of Recipient	Nature of Gift or Exchange	Monetary Value
	NONE		

COMPLETE REVERSE SIDE

(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.

(d) A person who knowingly makes a false or misleading report or statement required under 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. (§ 2 ch 167 SLA 1976)

Article 5. General Provisions.

Section

161. Exemptions

171. Definitions

1b. Short title

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;

(C) 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;

(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 when 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 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. (§ 2 ch 167 SLA 1976)

Sec. 24.45.171. 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;

(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 for expenses may not be considered "informational material";

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

STATE OF ALASKA
THE LEGISLATURE

HOUSE OF REPRESENTATIVES
LEGISLATIVE AGENCY
117 415 3811

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

June 2, 1983

SUBJECT: Applicability of CSSB 137 (Finance) am
TO: Senator Jan Faiks
FROM: Billy G. Berrier *BGB*
Director
Division of Legal Services

You have asked whether CSSB 137 (Finance) am would require the Governor, legislators, legislative staff and employees of the departments in the executive branch to register as lobbyists.

In my opinion the added requirement is not applicable to elected officers. While the term "employee" has broader meaning in some contexts, in this context I do not believe an elected official can be considered an "employee" who is "hired".

As to employees of the executive branch the application of the added requirement would depend on the specific situation. For the requirement to apply influencing legislative action must be an official part of the job of the employee. While I have no data on which to base a conclusion I would strongly suspect this would be a rare situation.

It could, and probably in many instances would, cover legislative employees. Influencing legislative action is broadly defined in AS 24.45.171(6) which provides:

(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;

Senator Jan Faiks

Page 2

June 2, 1983

For example, from my observation it would appear then in many instances this is a major part of the job that a professional assistant is hired to do. Again, however the application of the added requirement would depend on the specific situation of the employee.

BGB:ljb

23/003