

SB

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**HOUSE CS FOR CS FOR SENATE BILL NO. 89(RLS)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-THIRD LEGISLATURE - FIRST SESSION**

BY THE HOUSE RULES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR SEEKINS

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A BILL

FOR AN ACT ENTITLED

1 **"An Act amending the Regulation of Lobbying Act and the definition of 'lobbyist' as it**
2 **applies in the act setting standards of conduct for legislators and legislative employees;**
3 **and amending the Regulation of Lobbying Act and the legislative standards of conduct**
4 **to allow a lobbyist to give and a person covered by legislative standards of conduct to**
5 **accept tickets to a charity event during a legislative session."**

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

7 *** Section 1. AS 24.45.121(a) is amended to read:**

- 8 (a) A lobbyist may not
 - 9 (1) engage in any activity as a lobbyist before registering under
 - 10 AS 24.45.041;
 - 11 (2) do anything with the intent of placing a public official under
 - 12 personal obligation to the lobbyist or to the lobbyist's employer;
 - 13 (3) intentionally deceive or attempt to deceive any public official with

1 regard to any material fact pertinent to pending or proposed legislative or
2 administrative action;

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

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

8 (6) accept or agree to accept any payment in any way contingent upon
9 the defeat, enactment, or outcome of any proposed legislative or administrative action;

10 (7) serve as a member of a state board, or commission, if the lobbyist's
11 employer may receive direct economic benefit from a decision of that board or
12 commission;

13 (8) serve as a campaign manager or director, serve as a campaign
14 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
15 fund-raising event, directly or indirectly collect contributions for, or deliver
16 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
17 legislative campaign or campaign for governor or lieutenant governor if the lobbyist
18 has registered, or is required to register as a lobbyist, under this chapter, during the
19 calendar year; this paragraph does not apply to a representational lobbyist as defined
20 in the regulations of the Alaska Public Offices Commission, and does not prohibit a
21 lobbyist from making personal contributions to a candidate as authorized by AS 15.13
22 or personally advocating on behalf of a candidate;

23 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a
24 person covered by AS 24.60, during a legislative session, a gift, other than food or
25 beverage for immediate consumption, except for tickets to a charity event described
26 in AS 24.60.080(c)(10);

27 (10) make or offer a gift or a campaign contribution whose acceptance
28 by the person to whom it is offered would violate AS 24.60.

29 * Sec. 2. AS 24.45.171(1) is amended to read:

30 (1) "administrative action" means the proposal, drafting, development,
31 consideration, amendment, adoption, approval, promulgation, issuance, modification,

1 rejection, or postponement by any state agency of any rule or [,] regulation, [ORDER,
2 DECISION, DETERMINATION,] or any other quasi-legislative [OR QUASI-
3 JUDICIAL] action or proceeding whether or not governed by AS 44.62
4 (Administrative Procedure Act); "administrative action" does not include

5 (A) a proceeding or an action to determine the rights or
6 duties of a person under existing statutes, regulations, or policies;

7 (B) the issuance, amendment, or revocation of a permit,
8 license, or entitlement for use;

9 (C) the enforcement of compliance with existing law or the
10 imposition of sanctions for a violation of existing law;

11 (D) procurement activity, including the purchase or sale of
12 a property, goods, or services by the agency or the award of a grant
13 contract;

14 (E) the issuance of, or ensuring compliance with, an opinion
15 or activity related to a collective bargaining agreement including
16 negotiating or enforcing the agreement;

17 * Sec. 3. AS 24.45.171(6) is amended to read:

18 (6) "influencing legislative or administrative action" means to
19 communicate directly for the purpose of introducing, promoting, advocating,
20 supporting, modifying, opposing, or delaying or seeking to do the same with respect to
21 any legislative or administrative action [BY MEANS INCLUDING BUT NOT
22 LIMITED TO THE PROVISION OR USE OF INFORMATION, STATISTICS,
23 STUDIES, OR ANALYSES IN WRITTEN OR ORAL FORM OR FORMAT];

24 * Sec. 4. AS 24.45.171(8) is amended to read:

25 (8) "lobbyist" means a person who

26 (A) engages [A PERSON WHO IS EMPLOYED AND
27 RECEIVES PAYMENTS, OR WHO CONTRACTS FOR ECONOMIC
28 CONSIDERATION, INCLUDING REIMBURSEMENT FOR
29 REASONABLE TRAVEL AND LIVING EXPENSES, TO COMMUNICATE
30 DIRECTLY OR THROUGH THE PERSON'S AGENTS WITH ANY
31 PUBLIC OFFICIAL FOR THE PURPOSE OF INFLUENCING

1 LEGISLATIVE OR ADMINISTRATIVE ACTION IF A SUBSTANTIAL OR
 2 REGULAR PORTION OF THE ACTIVITIES FOR WHICH THE PERSON
 3 RECEIVES CONSIDERATION IS FOR THE PURPOSE OF
 4 INFLUENCING LEGISLATIVE OR ADMINISTRATIVE ACTION; OR

5 (B) A PERSON WHO REPRESENTS ONESELF AS
 6 ENGAGING] in the [INFLUENCING OF LEGISLATIVE OR
 7 ADMINISTRATIVE ACTION AS A] business, occupation, or profession of
 8 influencing legislative or administrative action; or

9 (B) receives wages or other economic consideration,
 10 including reimbursement of travel and living expenses, to communicate
 11 directly with any public official

12 (i) for the express purpose of influencing legislative
 13 or administrative action; and

14 (ii) during more than 40 hours in any 30 day period
 15 in one calendar year;

16 * Sec. 5. AS 24.45.171 is amended by adding a new subsection to read:

17 (13) "communicate directly" means to speak with a legislator,
 18 legislative employee, or public official

19 (A) by telephone;

20 (B) by two-way electronic communication; or

21 (C) in person.

22 * Sec. 6. AS 24.60.080(c) is amended by adding a new paragraph to read:

23 (10) tickets from a lobbyist for a charity event at any time, including
 24 during a legislative session; in this paragraph, "charity event" means an event the
 25 proceeds of which go to a charitable organization with tax-free status under 26 U.S.C.
 26 501(c)(3) and that the Alaska Legislative Council has approved in advance; the tickets
 27 may entitle the bearer to admission to the event, to entertainment, to food or
 28 beverages, or to other gifts or services involved in the charity event.

29 * Sec. 7. AS 24.60.990(11) is amended to read:

30 (11) "lobbyist" means a person who is required to register under
 31 AS 24.45.041 and is described under AS 24.45.171 [AS 24.45.171(8)(A)], but does

1
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not include a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission;

FISCAL NOTE

STATE OF ALASKA
2003 LEGISLATIVE SESSION

No. 1
Bill Version: SB 89
(S) Publish Date: 4/24/03

Revision Date/Time (Note if correction): _____ Dept. Affected: Admin
Title An act amending the definition of "lobl" BRU AK Public Offices Com.
Component AK Public Offices Com.
Sponsor Sen. Ralph Seekins
Requester Senate Judiciary Component No. 70

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2003) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

POSITIONS

Full-time		1	1	1	1	1
Part-time	1	1	1	1	1	1
Temporary	1					

ANALYSIS: (Attach a separate page if necessary)

The Commission understands the intent of this legislation is to revise the number of hours an occasional lobbyist may be permitted to engage in lobbying activities before the requirement to register under AS 24.45 is triggered. The current legislation provides for 80 hours which the Commission believes to be too generous. The Commission is available to work with the sponsor in determining the number of hours that will be fair to the occasional lobbyist while protecting the public's right to know the identity and activities of those persons who pay and those who are paid to attempt to influence legislative or administrative action.

Prepared by: Brooke Miles, Executive Director Phone 907-276-4176
Division AK Public Offices Commission Date/Time 3/28/03 12:40 PM
Approved by: _____ Date 3/28/2003
Agency Administration

Subject: Official request

Date: Sat, 10 May 2003 10:53:49 -0800

From: "Andree" <mcleodak@alaska.net>

To: "Representative Berkowitz" <Representative_Ethan_Berkowitz@legis.state.ak.us>, "Representative Coghill" <Representative_John_Coghill@legis.state.ak.us>, "Representative Kerttula" <Representative_Beth_Kerttula@legis.state.ak.us>, "Representative Kott" <Representative_Pete_Kott@legis.state.ak.us>, "Representative McGuire" <Representative_Lesil_McGuire@legis.state.ak.us>, "Representative Morgan" <Representative_Carl_Morgan@legis.state.ak.us>, "Representative Rokeberg" <Representative_Norman_Rokeberg@legis.state.ak.us>

I am asking for fairness in the public process.

Since Pam LaBolle can speak to the Rules Committee.

And since the Rules Committee did not teleconference the meeting.

And since I am too broke to go to Juneau...

I am respectfully requesting for my letter to be literally read into the record.

If the Chair doesn't want to do it, could someone else please read it into the record on my behalf.

Andree McLeod

561-8595

ALASKA STATE SENATE

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax



Interim:
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

SB 89 Sponsor Statement

An Act Amending the Definition of Lobbyist

Chapter 45 of Title 24—Regulation of Lobbying—leads off with a one sentence paragraph describing the Legislative Declaration of Purpose: *"The Legislature finds and declares that the operation of responsible representative democracy requires that the fullest opportunity be afforded to the people to petition their government for redress of grievances and to express freely to individual members of the legislature, to its committees, and to officials of the executive branch their opinions on pending legislation or administrative actions..."*, (emphasis added).

The second half of this lengthy sentence goes on to say, *"...and that the people are entitled to know the identity, income, expenditures, and activities of those persons who pay, are paid or reimbursed for expenses, or who make expenditures or other payments in an effort to influence legislative or administrative action."*

The full Statute goes on to describe Reports, Records, Exemptions, and so on until finally arriving at the ubiquitous section pertaining to Definitions. Number eight defines the term "Lobbyist" in two ways. Clearly, definition "B" is applicable to the "professional" lobbyist. The sponsors of the proposed legislation fully recognize and appreciate the public interest which is well served by definition "B". Senate Bill 89 does *not* alter this in any way.

On the other hand, definition "A" is somewhat ambiguous to the extent that applicability rests on two terms: these being "substantial" and "regular". These terms were not defined in Statute. So we must look to the Administrative Code for guidance, specifically 50.545. There, under item "f", we see that "substantial" and "regular" mean that a person 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 influencing legislative or administrative action"*.

This definition amounts to less than 2.5% of a working month, given a standard eight-hour day. Webster's Dictionary tells us that substantial means "considerable" and that "considerable" means "large" and that "large" means "greater than average". Four hours out of 173 simply doesn't come close to fitting within any of these definitions.

Senate Bill 89 safeguards, as it should, the *second half* of the Declaration of Purpose by preserving definition (8)(B) pertaining to professional lobbyists. SB 89 seeks only to alter definition (8)(A) in the Statute by clearly defining the terms "substantial" and "regular". In so doing, this action accomplishes that which the legislature originally intended with respect to the Lobbying law. Specifically, by allowing the people the *fullest* opportunity to express their opinions freely to individual members of the legislature on matters regarding pending legislation.

Looking Out For Business...

A report from the Alaska State Chamber of Commerce - The Voice of Alaska Business

The laws and regulations enacted by Alaska's public policy makers have significant impact on how businesses operate in Alaska and what their costs of operation will be.

It is not uncommon for business people to travel to Juneau for a few days during the legislative session to talk with legislators or administration officials about issues affecting their business. Nor is it uncommon for them to accompany administration officials or legislators on trade missions, or talk to them at conferences and other events.

The Alaska Public Offices Commission (APOC) has determined that these activities, which may be a very small part of what an individual does for his business or company, make a businessperson a lobbyist.

Alaska law requires that anyone for whom a substantial or regular portion of their job is to influence legislation or administrative action, or anyone who contracts or is in the profession of lobbying, must register as a lobbyist. The Alaska State Chamber of Commerce recognizes the importance of regulating lobbying so the public knows the identity, income, expenditures and activities of professional lobbyists, and the Chamber has no problem with the current law.

However, in the regulations APOC has defined "substantial or regular" as just four hours in a 30-day period. The State Chamber believes this unjustly restricts business people who are not paid as lobbyists

"The State Chamber believes our state will benefit by providing business owners greater access to state government, not by further limiting their access."

"The APOC regulation unjustly restricts business people who are not paid as lobbyists from talking freely with the government."

from talking freely with the government. The State Chamber has requested that the legislature develop a new definition that, while continuing to regulate professional paid lobbyists, will not restrict business people who are not in the business of

lobbying and for whom lobbying is not part of their job.

If a businessperson exceeds the four-hour limit, they must pay a \$100 fee to register and then file

monthly, quarterly, and annual reports, and there are stiff penalties associated with the reporting requirements. The businessperson must also disclose the source and amount of their income. They are also precluded from engaging in many political activities, such as active participation in political campaigns and contributing to the candidates of their choice, which is a restriction of their first amendment rights.

This is an important issue to business and particularly troublesome for small businesses who can't afford paid lobbyists. It leaves them the choice of hiring someone to speak on their behalf or giving up some of their constitutional rights.

The media and state or municipal employees, by the way, are exempt from the law. News editors and columnists can write unlimited opinion pieces, with the intent of influencing legislative or administrative action, and not have to register or lose any personal rights. Public officials or employees can lobby unlimited hours, day in and day out, for laws and regulations that increase the cost of government, for which business pays, or increase the cost of doing business.

House Bill 106, which has the support of the State Chamber, defines "substantial" as 40 hours in a 30-day period, (one-quarter of a full-time employee's 160 hours a month) and "regular" as 30 days, or one quarter, of a 120-day legislative session.

The State Chamber believes our state will benefit by providing business owners greater access to state government, not by further limiting their access.

ConocoPhillips

*Proud to be the 2003 Diamond Partner of
the Alaska State Chamber of Commerce*



POSITION PAPER

In October of this year the Alaska State Chamber of Commerce ("ASCC") filed a complaint on behalf of its members in the State Superior Court against the State of Alaska and the Alaska Public Offices Commission ("APOC") asking that the court declare portions of Alaska's Regulation of Lobbying Act (the "Act") and its implementing regulations unconstitutional. As outlined more fully below, certain portions of that Act, and the way in which APOC is implementing them in particular, have proven to unconstitutionally restrict business people from any meaningful contact with legislators or the administration in order to express their support or concern about pending issues. Although we are confident that the lawsuit will be successful, we believe that those portions of the Act and the regulations that are unconstitutional can be more easily remedied in accordance with the original intent of the Act, through the Legislature making revisions to the Act.

We are convinced that APOC is wrong in its interpretation of the lobbyist statutes in that it does not follow legislative intent, and we believe that the position that APOC is taking regarding what activities require someone to register as a lobbyist, unconstitutionally impact a business owner's right to meet with legislators or the administration to discuss proposed legislation, regulations or other administrative action that could dramatically impact his or her business.

Background

Currently, under Alaska Statute 24.45.171(8), a "lobbyist" is defined to mean:

(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 the person's agent with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which the person receives consideration is for the purpose of influencing legislative or administrative action; . . . [emphasis added.]

The lobbying statutes were enacted in 1976 and the definition of "lobbyist" has never been revised. Unfortunately, the Legislature did not specifically define "substantial or regular."

Following the enactment of the lobbyist statutes, APOC enacted regulations to implement the statutes. APOC defined several of the terms or phrases contained in the statutes. For instance, "substantial or regular" is defined at 2 AAC 50.545(f) as follows:

“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 influencing legislative or administrative action as defined in AS 24.45.171(1), (6), (7), and this chapter; when a person becomes a lobbyist upon meeting the tests of this section, he must register in accordance with AS 24.45.041 and must report in accordance with AS 24.45.051 and 2AAC 50. [Emphasis added.]

Assuming a business person works an average of 40 hours a week, or 160 hours a month, four hours in a 30-day period represents only 3% of that person’s time. Under common definitions and understanding, 3% of something would be defined as nominal or incidental rather than meeting any reasonable definition of “substantial.” Further disturbing, however, is that APOC has broadened the interpretation of what activities are included in “influencing legislative or administrative action” to create an even more limiting environment.

A business person, who does not represent him/herself as engaging in the influencing of legislative or administrative action as a business, occupation, or profession (A.S. 24.45.171(8)(B)) can only then be a lobbyist if he/she is employed or receives compensation to communicate with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which the person receives consideration is for the purpose of influencing legislative or administrative action. So the question is, “What constitutes a substantial or regular portion of one’s work activities that might trigger one being considered a lobbyist?”

Based on our experience, APOC’s interpretation of the statutory definition of “lobbyist” as contained in these regulations is extremely strained. For instance, APOC considers a social gathering that includes legislators or staffers, to be included within the four-hour limitation, even where there is no discussion or attempt to influence legislation. For example, when APOC read in the newspaper that a prominent businessman was attending a golf tournament with legislators and legislative staffers, it contacted his company, a member of ASCC, to verify that he was registered as a lobbyist. He was not registered as a lobbyist because his company did not believe that his work activities met the definition of a lobbyist. After discussions with APOC about this golf tournament, APOC sent a letter setting out its position in which it states:

Note that the regulations do not require that the activities influence legislative or administration action; they merely have to be directed toward influencing such action. The [golf tournament] was designed by lobbyists and their clients/employers. It may have been a social event, but it was certainly directed towards influencing legislative action. By spending time with legislators and their staffers, lobbyists hope to establish a rapport with them that will help the lobbyists when they later meet with legislators and/or staffers to influence action on legislation of interest to the lobbyists' clients. Sam Kito stated in an interview with a reporter about the purpose of the trip: "You interact with them, you get to know people . . . " See Anchorage Daily News article dated March 8, 2002. . . . participation in the [golf tournament] means that he spent more than four hours in a 30-day period in activities directed toward influencing legislative action.

Under its theory, APOC would likely find that merely accompanying a governor and his/her cabinet on a trade mission constitutes lobbying. More importantly, a business owner or executive talking with agency officials about proposed legislation, regulations or permit applications that would directly affect his/her business could cause a business person to be deemed a lobbyist even though only a nominal amount of the business person's time is spent on activities directed toward influencing such action. Is four hours a month, with all of the other activities that any business person engages in to advance his/her business, a "substantial or regular" portion of what the business pays him/her to do? These examples show that APOC has an extremely strained, incorrect interpretation of the statute and that it was never the intent of the Legislature for the lobbying laws to make such a broad sweep. APOC's application of its regulations makes it virtually impossible, without being deemed a lobbyist, for many business leaders to meet with and to discuss legislative or regulatory activity that would dramatically impact their companies.

Importantly, being deemed a lobbyist by APOC has very burdensome consequences that, as they are being currently applied, violates the constitutional rights of those impacted. Once someone is determined to be a lobbyist, in addition to the requirement to register; pay a fee; provide personal financial information; and make and file periodic reports; the lobbyist is prohibited from several activities outlined in A.S. 24.45.121. Most notably, someone who has been deemed a lobbyist because he/she has spent more than four hours in a 30 day period engaged in what APOC considers lobbying may not;

serve as a campaign manager or director, serve as a campaign treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a fund-raising event, directly or indirectly collect contributions for, or deliver contributions to, a candidate or otherwise engage in the fund-raising activity of a legislative campaign or a campaign for governor or lieutenant governor if the lobbyist has registered, or is required to register as a lobbyist under this chapter, during the calendar year; this paragraph . . . does not prohibit a lobbyist from making

personal contributions to a candidate as authorized by AS 15.13 or personally advocating on behalf of a candidate.

Although A.S. 15.13.074(g) allows a registered lobbyist to make personal contributions, they are limited solely to contributions to candidates for the Legislature in a district in which the individual is eligible to vote and the lobbyist must report each contribution to APOC. A legislative candidate could be seriously hampered in his/her fund-raising if many of his/her supporters are found by APOC to be lobbyists under the current regulatory framework.

Notably exempted from the statute set out above by A.S. 24.45.161(a)(2) is an elected or appointed state or municipal public officer or an employee of the state or a municipality acting in an official capacity or within the scope of employment.

These state and municipal employees, who are exempt from the Act, are, at least partially, evaluated in their job performance by their success in getting funding for various projects that are important to the agency or governmental entity by whom they are employed. Why should these state employees be exempt when a private business owner essentially doing the same thing is not? Precluding someone who spends as little as four hours in one month in activities which APOC deems to be lobbying from serving as campaign manager or hosting a fund raiser, while at the same time allowing a state employee who is doing the same thing to so act, violates the First Amendment and the equal protection provisions of the Constitution.

The Current Legislation is Not Constitutional

First, the definition of "substantial or regular" in 2 AAC 50.545(f) is inconsistent with the legislative intent of the statute. Substantial or regular could not have been intended to apply to someone who has so little contact and who spends such an insignificant portion of his or her work hours with legislators in a 30 day period and could not have been intended to be applied so broadly to such activities as social gatherings where legislative action is not even discussed. For example, the Alaska State Chamber of Commerce, the Resource Development Council, AOGA, the Alliance and others, have a "fly-in" every year in which board members travel to Juneau and spend a day talking to legislators and administration members about issues. The activities usually include a lunch, reception, dinner or other "social" activities, all of which total more than 4 hours. The isolation of Juneau, in fact, usually requires that a business leader from any other region of the state visiting the capital must spend a day there. Obviously, it is economically more efficient for his/her employer if the employee sees as many legislators and/or administration officials as he/she can in the day spent in Juneau. Certainly that day spent in Juneau does not constitute a "substantial or regular" portion of his/her work activities for that month. Similarly meetings by a business leader with regulators over proposed regulations or other administrative action could take several days, but still not be a "substantial or regular" portion of his/her work activities in a 30-day period. Other examples of the possible application of the current framework includes:

● John Doe, an Alaska business owner, engages in Lobbying Activities with a member of the Alaska Legislature for four (4) hours and one (1) minute on January 1, 2002. The Lobbying Activities occur during Mr. Doe's regular work day. Except as stated above, John Doe does not engage in any other Lobbying Activities during 2002. Under the current framework, APOC would consider John Doe to be a lobbyist. However, Jane Smith, another Alaska business owner, engages in Lobbying Activities with an Alaskan Legislator for three (3) hours and fifty-nine (59) minutes on January 1, 2002, three (3) hours and fifty-nine (59) minutes on February 1, 2002, three (3) hours and fifty-nine (59) minutes on March 1, 2002, and on the first (1st) day of each succeeding month throughout the year of 2002. The Lobbying Activities occur during Ms. Smith's regular work day. Pursuant to APOC's interpretation of the applicable statutes and regulations, Ms. Smith would not be required to register as a lobbyist, even though she spent considerably more time lobbying than did Mr. Doe.

● Susan Jones, an Alaska business owner, earns a salary of \$125,000 per year, based on a requirement that she work 2,500 hours per year. On a per hour basis, Susan Smith earns \$50 per hour. On January 1, 2002, Susan Smith engages in Lobbying Activities with an Alaskan Legislator for four (4) hours and one (1) minute during working hours. For the time spent engaged in Lobbying Activities, Susan Smith earned a salary of \$200 (equaling 0.16% of her annual salary). Except as stated above, Susan Smith does not engage in any other Lobbying Activities during 2002. Nevertheless, pursuant to APOC's interpretation of the applicable statutes and regulations, Susan Smith would be required to register as a lobbyist. On the other hand, Michael Thomas, an Alaska business owner, earns \$125,000 per year and is required to work 2,500 hours per year. Mr. Thomas' per hour salary is also \$50. On January 1, 2002, Mr. Thomas engages in lobbying activities with an Alaskan Legislator for three (3) hours. On February 1, 2002, Mr. Thomas engages in lobbying activities with an Alaskan Legislator for three (3) hours. On March 4, 2002, Mr. Thomas engages in lobbying activities with an Alaskan Legislator for three (3) hours. Mr. Thomas engages in the same lobbying activities on the first day of each month for the remainder of the year making a total of 36 hours of lobbying activities during the year which would equate to 1.4% of Mr. Thomas' salary. Under this scenario, based on APOC's interpretation of the relevant statutes and regulations, even though a larger percentage of Mr. Thomas' compensation is being paid to him for the purpose of performing activities aimed at influencing legislation, Mr. Thomas would not be required to register as a lobbyist.

● Rebecca Dole is an employee of the Municipality of Anchorage. Ms. Dole's principal job is to Lobby for increased funding for the Anchorage School District. During the course of 2002, Ms. Dole spends eighty (80%) percent of her work time engaged in lobbying activities with Alaska legislators and their staffs. Ms. Dole's annual salary is \$75,000. For her lobbying activities, Ms. Dole receives compensation of \$60,000, plus an additional \$20,000 as payment for expenses incurred for her lobbying activities. Based on APOC's interpretation of the applicable statutes and regulations, Ms. Dole would not be required to register as a lobbyist.

Since one who is deemed a lobbyist is precluded from the political activities outlined above, we believe this regulation is unconstitutional because it impacts the right of free speech and the right of political expression and association. In Sweezy v. State of New Hampshire, 354 U.S. 234, 77 S.Ct. 1203, 1 L.Ed.2d 1311 (1957), the United States Supreme Court emphasized the importance of these freedoms:

Equally manifest as a fundamental principle of a democratic society is political freedom of the individual. Our form of government is built on the premise that every citizen shall have the right to engage in political expression and association. This right was enshrined in the First Amendment of the Bill of Rights. Exercise of these basic freedoms in America has traditionally been through the media of political associations. Any interference with the freedom of a party is simultaneously an interference with the freedom of its adherents. All political ideas cannot and should not be channeled into the programs of our two major parties. History has amply proved the virtue of political activity by minority, dissident groups, who innumerable times have been in the vanguard of democratic thought and whose programs were ultimately accepted. Mere unorthodoxy or dissent from the prevailing mores is not to be condemned. The absence of such voices would be a symptom of grave illness in our society.

Sweezy, 77 S.Ct. at 1211.

Similarly, the U.S. District Court of Alaska has held that:

the right of association is a basic constitutional freedom, that is closely allied to freedom of speech and a right which, like free speech, lies at the foundation of free society. Buckley v. Valeo. 424 U.S. 1, 25, 96 S.Ct. 612, 46 L.Ed.2d 659 (1976)(internal quotations and citations omitted). The First and Fourteenth Amendments to the United States Constitution protect the rights of political expression and association . . . In view of the fundamental nature of the right to associate, governmental action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny . . . Id. at 25, 96 S.Ct. 612 (internal quotations and citations omitted).

Jacobus v. Alaska, 182 F.Supp.2d 881 (D.Alaska 2001). In reaching its conclusion in Jacobus that, (among other things) the restriction on donating volunteer professional services was unconstitutional, the U.S. District Court of Alaska relied on a case from Wisconsin entitled Barker v. State of Wisconsin Ethics Board, 841 F.Supp. 255 (W.D. Wisc. 1993). In Barker, six lobbyists contested a Wisconsin regulation that precluded them from providing volunteer services to political campaigns as violative of their First Amendment right of association and expression. The lobbyists argued that the statute imposed an unconstitutional burden on their First Amendment right of association and expression because it was overbroad and not narrowly drawn to advance a compelling state interest. The State Ethics Board did not dispute that the

statute burdened plaintiffs' First Amendment rights, but argued that the statute should be upheld because it was narrowly drawn to prevent corruption while interfering only marginally with rights under the First Amendment.

In addressing these issues, the Wisconsin court first stated the following:

There is no question but that [the statute] implicates a fundamental right: 'Our form of government is built on the premise that every citizen shall have the right to engage in political expression and association,' which 'right was enshrined in the First Amendment of the Bill of Rights.' Sweezy v. New Hampshire, 354 U.S. 234, 250, 77 S.Ct. 1203, 1212, 1 L.Ed.2d 1311 (1957). Associational rights include activities pursued in the cause of a campaign for public office. Elrod v. Burns, 427 U.S. 347, 370-71, 96 S.Ct. 2673, 2688, 49 L.Ed.2d 547 (1976). The freedom of political association 'is more than the right to attend a meeting; it includes the right to express one's attitudes or philosophies by membership in a group or by affiliation with it. . . . ' Griswold v. Connecticut, 381 U.S. 479, 483, 85 S.Ct. 1678, 1681, 14 L.Ed.2d 510 (1965). The United States Supreme Court has long recognized that when government regulates political expression and association 'the importance of First Amendment protections is 'at its zenith.' Meyer v. Grant 486 U.S. 414, 425, 108 S.Ct. 1886, 1894, 100 L.Ed.2d 796 (1973). An interference with association rights may be constitutional if the statutory infringement is no broader than it needs to be to accomplish its purpose or, in other words, if it is narrowly tailored. See, e.g., Austin v. Michigan State Chamber of Commerce, 494 U.S. 652, 657, 110 S.Ct. 1391, 1396, 108 L.Ed.2d 652 (1990)(citing Buckley v. Valeo, 424 U.S. 1, 44-45, 96 S.Ct. 612, 647, 46 L.Ed.2d 659 (1976).

Barker, 841 F.Supp at 258; see also Shrink Missouri Government PAC v. Maupin, 922 F.Supp 1413 (E.D.Mo 1996) (It is well established that the right to free speech (including political speech) and the right to free association (including political association) are fundamental activities protected by the First Amendment. Discussion of public issues and debate on qualifications of candidates are integral to the operation of the system of government established by our Constitution . . . the First Amendment protects political association as well as political expression.)

The lobbyists in Barker argued that the "narrowly tailored" standard outlined in Buckley required the state to demonstrate a compelling state interest and that it must employ means closely drawn to avoid unnecessary abridgement of associational freedoms. The State Ethics Board, on the other hand, argued that the statute should be upheld so long as the regulations promote a substantial government interest that would be achieved less effectively absent the regulation. The State Board asserted that the state had a compelling interest in avoiding the specter of corruption that would arise from the sight of lobbyists participating in political campaigns.

The Wisconsin Supreme Court rejected the Board's arguments and ruled that the statute at issue was unconstitutional. In dicta, the court also made another important statement. In Wisconsin the statute defining who is a lobbyist is seemingly even broader than the statute in Alaska. Under Wisconsin law, a "lobbyist" is any person "employed by a principal . . . who makes lobbying communications on each of at least 5 days within a reporting period of 6 months." Plaintiffs argued that this statute was overly board because it took fewer than one lobbying communication a month to transform an ordinary citizen into a lobbyist under Wisconsin law. Although the defendants did not address this argument and it was not an issue for the court to decide, the court noted that, "an independent review of the statute suggests that plaintiffs' portrayal of the prohibition's extensive reach is accurate." Barker, 841 F.Supp. At 261.

Finally, the Barker court concluded that:

Wisconsin's lobby law overreaches insofar as it prohibits lobbyists from volunteering personal services to political campaigns because it does not provide an answer that relates sufficiently to the elimination of the dangers of corruption and the appearance of corruption.

Barker, 841 F.Supp. at 263.

The Alaska lobbying statute states as its purpose at A.S. 24.45.011 as follows:

The Legislature finds and declares that the operation of responsible representative democracy requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to its committees, and to officials of the executive branch, their opinions on pending legislation or administrative actions; and that the people are entitled to know the identity; income, expenditures and activities of those persons who pay, are paid or reimbursed for expenses, or who make expenditures or other payments in an effort to influence legislative or administrative action. (Emphasis added.)

The definition of "substantial or regular" is not narrowly tailored to meet this purpose and improperly imposes an unconstitutional burden on many citizens' First Amendment rights as outlined by the courts in Jacobus and Barker.

Second, the definition of "substantial or regular" is overly broad because anyone who spends 4 hours and 1 second on January 1 in communication with legislators or staffers, and has no further communication for the rest of the year, would nonetheless be considered a lobbyist for the entire year and precluded from making certain contributions, hosting political fundraisers, etc., for the remainder of the calendar year. Again, this restriction is not narrowly tailored to fit the purposes of the statutes.

Finally, while the statute prohibits business owners, for instance, from spending more than 4 hours per month in contact with legislators for fear of being deemed a lobbyist, employees of the state are not similarly precluded. A state employee, acting in his/her official capacity or within the scope of his/her employment has no restriction on the amount of time he/she can spend influencing legislation and is not limited by any of the lobbyist prohibitions. This unequal treatment clearly violates the equal protection provisions of the constitution.

A similar issue was addressed by the District Court in New York. In Commission on Independent Colleges and Universities v. The New York Temporary State Commission on Regulation of Lobbying, 534 F.Supp. 489 (N.D.N.Y. 1982), one of the issues addressed was the plaintiffs' claim that New York's lobbying law violated the equal protection clause of the Fourteenth Amendment because it classified independent colleges who engaged in direct contact with legislators and administrative agencies as lobbyists while exempting their counterparts at SUNY and CUNY because they are state universities. In addressing this issue, the New York court noted that:

The Fourteenth Amendment guarantee of equal protection is designed to ensure that persons similarly situated are treated equally in terms of benefits conferred or duties imposed . . . Village of Belle Terre v. Borass, 416 U.S. 1, 94 S.Ct. 1536, 39 L.Ed.2d 797 (1974) . . . The traditional standard of review employed by the courts is whether the law in question is wholly arbitrary or without a rational basis. [citations omitted.] When fundamental constitutional rights are involved, however, it is necessary to find a compelling state interest to validate the law making the classification. [citations omitted.]

Commission, 534 F.Supp. at 503. We cannot think of any compelling state interest that would support the discrimination between state and non-state employees.

These are important issues that dramatically effect the rights and interests of Alaska businesses. For business owners, or CEO's of businesses to be precluded from discussing legislation or a regulation that directly impacts their companies without the risk of being deemed a lobbyist and losing their right of free association regarding political campaigns is inappropriate. While some companies may be financially able to hire professional lobbyists, many others are not. Moreover, many company owners and management level employees know and understand better than a hired lobbyist, the impact of proposed legislation on his/her company.

Before closing, we want to emphasize a few important points. First, our proposed legislation would provide a more reasonable level of access for Alaska business men and women to their elected representatives, their staffers, and state agency personnel. Our proposal would not change the rules for professional lobbyists. Those individuals who are in the business of lobbying on behalf of clients and those who hold themselves out to be professional lobbyists would not have a reduced level of scrutiny under our proposed legislation.

Second, the principal problem with the current system is APOC's definition of the terms "substantial or regular" which are found in the definition of "lobbying" at A.S. 25.45.171. It was the Legislature which enacted the statutory definition of the term "lobbying", including the use of the terms "substantial or regular". Therefore, the Legislature should define those terms in order to protect its intent. Essentially, by allowing APOC to define those terms, we believe that the Legislature has allowed APOC to subvert the original intent of the legislation. Given the fact that the Legislature convenes in Juneau, it has historically worked hard to increase access by ordinary citizens, including Alaska's business men and women. The APOC definition of the terms "substantial or regular" flies in the face of the Legislature's efforts to increase, rather than restrict, access to state government.

Finally, our proposed legislation offers a simple fix to the current problem which we believe is absolutely consistent with the intent of the original lobbying legislation. Alaska's business men and women should not be branded as lobbyists based merely on four hours of communications with legislators, staffers, members of the administration, or personnel of state agencies.

The current system not only harms Alaska businesses, but it also harms the Legislature, the administration and state agencies by denying them access to important information which is available from business men and women. In short, the current system simply can't work.

Attached are proposed amendments to the current lobbying statute which would resolve this issue.

Enclosures

AS 24.45.171(8)(A) is amended as follows [amendment underlined]:

(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 the person's 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 the person receives consideration is for the purpose of influencing legislative or administrative action where "substantial" means in excess of 80 hours in a 30 day period and "regular" means more than 60 days while the legislature is in session; or

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250 Cushman St., Suite 2D, Fairbanks, AK 99701-4665

phone: (907) 452-1105, fax: (907) 456-6968

e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

Introduced by: Governmental Affairs
 Date Introduced: March 11, 2003
 Date Passed: March 11, 2003
 Date Transmitted: March 11, 2003

RESOLUTION 03-03112

A RESOLUTION BY THE GREATER FAIRBANKS CHAMBER OF
 COMMERCE SUPPORTING AN AMENDMENT IN ALASKA STATE LAW
 CLARIFYING THE DEFINITION OF LOBBYIST AND SUCH TERMS THAT
 DESCRIBE LOBBYIST ACTIVITY

WHEREAS In the definition of the term "Lobbyist" in Alaska Statute 24.25.171(8), it states that a lobbyist is a person who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, who communicates directly or through the person's agent with any public official for the purpose of influencing legislative or administrative action if a *substantial or regular* portion of the activities for which the person receives consideration; and

WHEREAS the Alaska Public Offices Commission (APOC) had defined in 2 AAC 50.545(f) "substantial or regular" to mean that a person is considered a lobbyist if, within a 30-day period, the person spends in excess of four hours in direct communication with a public official or legislative employee in activities directed toward influencing legislative or administrative action; and

WHEREAS this strict interpretation could require anyone who travels to Juneau during the legislative session for one day to discuss legislative issues, and is reimbursed by their company or business, to register as a lobbyist; and

WHEREAS public employees are exempt from this provision; and

WHEREAS registering as a lobbyist is burdensome and contains many stipulations; and

WHEREAS this interpretation would hamper the volunteer members of the Greater Fairbanks Chamber of Commerce, and other non-profit agencies, from engaging in regular communication with our local legislators; and



GREATER * FAIRBANKS CHAMBER OF COMMERCE

250 Cushman St., Suite 2D, Fairbanks, AK 99701-4665
phone: (907) 452-1105, fax: (907) 456-6968

e-mail: staff@fairbankschamber.org
website: www.fairbankschamber.org

WHEREAS many annual "fly-ins" to Juneau would not take place as most participants would be required to register as a lobbyist; and

WHEREAS the Greater Fairbanks Chamber of Commerce does not believe the APOC interpretation follows legislative intent; and

WHEREAS the Greater Fairbanks Chamber of Commerce supports fair and reasonable regulations governing lobbyists.

NOW THEREFORE BE IT RESOLVED that the Greater Fairbanks Chamber of Commerce strongly supports passage of an an amendment in Alaska State Law clarifying the definition of lobbyist and broaden such terms that describe lobbyist activity to allow business owners and other non-profits agencies to communicate with our elected officials.

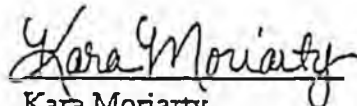
BE IT FURTHER RESOLVED that this resolution be distributed to:

Senator Ralph Seekins
Interior Delegation
Governor Frank Murkowski

PASSED in Fairbanks, Alaska this 11th day of March, 2003 by the Greater Fairbanks Chamber of Commerce Board of Directors.



Terry Aldridge
Board Chairman



Kara Moriarty
President/CEO



Voice of the Times

A CONSERVATIVE VOICE FOR ALASKANS

WILLIAM J. TOBIN
Senior editor

Alaska's lobby law is out of whack

By PAUL JENKINS

Are you wondering why the anti-everything bunch is in such a lather to keep intact Alaska's oddball lobbying law and regulations?

Make no mistake, these folks are not doing it in the noble cause of better government. Nope, they are on a mission to silence their adversaries for political advantage, this time by insisting that the voice of the state's business community remain muted.

At issue are two provisions: one, a regulation, requires registration as a lobbyist if you directly communicate with a lawmaker for four hours in a month to influence legislation; the other, a law, bars those registered as lobbyists from making political campaign contributions outside their election districts — and flies in the face of U.S. Supreme Court decisions.

The regulation is an example of Alaska Public Offices Commission capriciousness. The law that it is based on says you must register as a lobbyist if you are paid and spend a "substantial or regular" portion of your time lobbying. That somehow became four hours in 30 days in the APOC regulations. It's anyone's guess how four hours a month can be considered "substantial or regular."

The law barring campaign contributions outside a lobbyist's home district is a troubling attack on the First Amendment. The nation's high court again and again has held that campaign contributions are a form of constitutionally protected free speech. This particularly offensive usurpation of a basic right is the result of a calculated political strategy of the left, wrapped neatly to look like election reform a few years back.

You don't have to believe me, just look at who supports retaining the APOC regulation and law in question as-is. Some of them cynically care nothing about any First Amendment rights but their own.



Jenkins



Jim Berry
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The law and the regulation clearly have a chilling effect on ordinary businessmen and women who want to present their cases to the Legislature. Four hours? How does one measure that? Who can enforce the limit? When does the clock start? Some, in an effort to avoid problems with APOC, register, but then find themselves unable to participate fully in the political process.

Is Alaska alone in this nonsense? How do other western states handle the thorny question of lobbying and political contributions? There are many different approaches.

When it comes to defining lobbyists, California, Oregon, Washington, Colorado, Nevada, New Mexico, Arizona, Idaho, Utah, Montana and Wyoming have different requirements. Most have classifications for lobbyists — paid, unpaid, volunteer, etc. — and various exemptions for everything from newspaper publishers to state bureaucrats, but a common thread among them is that if you try to affect legislation or administrative acts, and you are paid, you must register as a lobbyist.

In Oregon, the trigger for registration is 24 hours lobbying, or \$100 spent, during a calendar quarter. In California, one paid lobbyist classification calls for

registration if the person spends more than one-third of their time lobbying. Another sets a \$2,000 limit on income.

But registration has a much different effect in most of these states than in Alaska.

New Mexico, Arizona, Colorado and Utah bar political donations from lobbyists only during a legislative session. In Idaho, Montana, Wyoming, Washington and Oregon there are no such prohibitions. In Nevada, political donations are barred a month before, and after, the biennial legislative sessions. California recently enacted a law that bars elected state officers or candidates for elected state office from accepting contributions from lobbyists.

The Alaska State Chamber of Commerce, recognizing that the political voices of its members were being stilled, got the ball rolling to fix the APOC regulation, with its arbitrary and indefensible four-hours-in-a-month proviso, and the onerous law that denies too many Alaskans their constitutional rights.

The House Judiciary Committee chairwoman, Rep. Lesil McGuire, R-Anchorage, and Sen. Ralph Seekins, R-Fairbanks, head of the Judiciary Committee in the Senate, are looking at legislation to address the problems.

It's long overdue.

Let's face it, few people are enthralled with the notion of lobbyists, but they serve a purpose and perform a valuable service. What we have now in place to set the bar for them largely is an unenforceable, arbitrary APOC regulation — based on an overly broad state law. And those who then obey that law and regulation find themselves punished by being denied their right to participate in political campaigns. How in the world can that be a good thing?

Alaska needs a common sense, clear, concise, enforceable law — not a regulation left to bureaucrats — defining a lobbyist. And those who obey that law's requirement should not be forced by the state to give up their free speech rights.

What we are suffering under now is the result of politics at its worst.

Paul Jenkins is an editor of the Anchorage Times.

The Anchorage Times

Editors: TOM BRENNAN, 264-8191; PAUL JENKINS, 264-8192; WILLIAM J. TOBIN, 264-8193;

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DON'T LIMIT public's dialogue with lawmakers

POINT COUNTERPOINT: Alaska's lobbying law

By Sen. Ralph Seekins, R-Fairbanks

(Published: April 3, 2003)

Like many Alaskans, I have freely expressed my opinions on legislation and administrative actions over the years. I have always believed our democratic system of government encourages such dialogue.

Indeed, the Legislature has said, "The operation of responsible representative democracy requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the Legislature, to its committees, and to officials of the executive branch, their opinions on pending legislation or administrative actions."

Yet when I attended the orientation for new senators in January, I learned that the Alaska Public Offices Commission limits "full" and "free" expression to a meager four hours in a 30-day period.

A person exceeding the four-hour limit is required to register as a lobbyist, pay a \$100 fee, file numerous reports, and surrender his or her rights to be equally engaged in the electoral process.

The problem rests with APOC's definition of two words, "regular" and "substantial." The law says a person must register as a lobbyist if a "substantial or regular" portion of the activities for which a person receives consideration is for the purpose of influencing legislative or administrative action.

Because "substantial" and "regular" are not defined in statute, APOC defined it in the Administrative Code as being four hours within a 30-day period. Even APOC, as the watchdog, acknowledges this four-hour threshold is much too restrictive.

My bill will expand the definition of "substantial or regular" to a more reasonable time period to allow ordinary Alaskans the opportunity to engage in the legislative process without the specter of being forced to become a professional lobbyist.

Professional lobbyists will still be required to file all the reports currently required and will also still be regulated in exactly the same manner as they have been in the past.

There should be no law that removes or attempts to remove any Alaskan's First Amendment rights to freedom of speech. I support the proposition that every Alaskan should always have the absolute right to communicate with members of the Legislature, legislative staff or other public officials.

I value that input and will fight hard to protect every Alaskan's right to do so — regardless of his or her occupation. As a citizen legislator, I want to hear from you, and you should be able to do so without unnecessary restriction.

Ralph Seekins is a first-term Republican state senator from Fairbanks.

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ALASKA LEGISLATIVE COUNCIL**--Minutes--****LEGISLATIVE COUNCIL**

April 8, 1999

1. ROLL CALL

The Legislative Council meeting was called to order at 12:05 p.m. by Senator Miller, Legislative Council Chair, in the Butrovich Room, Capitol Room 205.

The roll was taken. In attendance were Council members Miller, Donley, Hoffman, Kelly, Pearce, Torgerson, Cowdery, Ogan, G. Phillips, Porter and Rokeberg. Members absent were Lerman, Barnes, and Berkowitz. Staff present were Varni, Cook, Ibesate, Kempton, and Schofield.

2. APPROVAL OF MARCH 24, 1999 MEETING MINUTES

Senator Donley moved the minutes of the March 24, 1999 meeting be approved. The motion was approved unanimously.

3. APPROVAL OF LEGISLATIVE PARTICIPATION IN CHARITABLE FUNCTIONS

Senator Donley moved the Council authorize the Legislative Branch to participate in the Fahrenkamp Classic legislative charity putting tournament, and the legislative skits. With no objection, the motion was approved unanimously.

Senator Donley moved the Council designate the Council Chair as the authority to approve future legislative branch participation in charitable functions. With no objection, the motion was approved unanimously.

4. APPROVAL OF BETHEL LIO/LEGISLATIVE OFFICE SPACE

Representative Phillips moved approval of the office space for the Bethel LIO/Legislative Office space proposal from Tunista Properties, Inc. In the amount of \$3,215.94 per month (\$1.82 per sq. ft. for 1,767 sq. ft) be approved. With no objection, the motion was approved unanimously.

5. NEW BUSINESS

Senator Pearce moved that the Legislative Council hire a law firm or firms to look at the proposed merger between British Petroleum and Arco-Amoco and identify legal issues that surround this merger. Project Directors will be Senator Halford, Senate Resources Chair and Representative Porter, Speaker of the House. They have the authority to solicit legal services and negotiate the contract subject to the approval of the Council Chair. The motion passed unanimously.

The meeting adjourned at 12:20 p.m.

Andree

From: Andree [mcleodak@alaska.net]
Sent: Friday, May 09, 2003 8:37 AM
To: Representative Berkowitz; Representative Coghill; Representative Kerttula; Representative Kott; Representative McGuire; Representative Morgan; Representative Rokeberg
Subject: NO to Calendar SB 89 on House Floor

Dear House Rules Committee Members.

I'm Andree McLeod. In August of 1988, after spending a couple of years observing the workings of the Anchorage assembly, I started to lobby the assembly for a lobbying ordinance because I saw how the lack of one resulted in a lack of accountability and efficiency in our municipal government. Fortunately, the Anchorage Lobbying Ordinance was put in place August of 2000.

I'm writing to request that you NOT calendar SB 89 for a vote.

This bill is a transparent attempt to free people up from campaign finance laws. We've matured too much as a state to allow legislatures to take us back to a time when government and the people who hang around government halls have a carte blanche to do as they will.

At a time in this country when there should be as much openness and dialogue as possible between the government and the people about what the government is doing, to propose a blatant circumvention of well written laws regarding the openness and candor of lobbyist-government activities is clearly a betrayal, not only of the people of Alaska but of the democratic process itself.

People are feeling disenfranchised enough already, this bill only disenfranchises the public more.

Is that what you want?

What are the ramifications of this bill? Money will be funneled into campaign coffers with no accountability of the people who have one pocket full of money and the other full of chits. Where is this bill taking us? It's taking to a place where the public trust is not ensured and far far away from the stated purpose of Alaska Statute 24.45.010, (The Regulation of Lobbying statute), that people have a right to know who gets paid to influence public policy. People's right to know will be thwarted.

How does this bill serve the public? It doesn't. It only serves you, the politicians and the people who have a vested interest to keep you in office.

You are too intelligent and too seasoned as public officials to NOT know what you are doing.

Do not calendar this bill out of committee and you affirm the words of the House Majority Leader when he stated that he "...will bring a respect for the system and the institution of our government, our rules and the people who put them together."

Do not calendar this bill and you join the governor in his attempt to bring accountability to government by maintaining an open and honest process for lobbying and its associated activities. (Government employees also need to know who the lobbyists are as well, in order to have a more efficient government.)

Do not calendar bill and you demonstrate that the public's interest is paramount to any special interest.

Do not calendar this bill, and you avoid giving the House Minority Leader another opportunity to make for darned good TV as he debates this bill on the House floor, and makes mincemeat out of anyone who would dare to support such an attack on the people's right to know what's going on in Juneau, by redefining the Lobbying Law and opening up your campaign coffers to lobbyists.

Respectfully submitted,
Andree McLeod

Alaska State Legislature

House of Representatives



State Capitol, Rm. 214
Juneau, Ak 99801-1182
(907) 465-3764

Official Business

COMMITTEE ON RULES
Representative Norman Rokeberg, Chairman

HCSCSSB 89 (RLS) – 23-LS0396\Q

This work draft INCLUDES the amendment suggested by APOC [contained at the back of the information from APOC].

Janet

Subject: Corrected SB 89 No to Calendar SB 89 on House Floor McLeod Letter

Date: Sat, 10 May 2003 11:54:37 -0800

From: "Andree" <mcleodak@alaska.net>

To: <dianna_pree@legis.state.ak.us>

Dear House Rules Committee Members,

I'm Andree McLeod. In August of 1998, after spending a couple of years observing the workings of the Anchorage assembly, I started to lobby the assembly for a lobbying ordinance because I saw how the lack of one resulted in a lack of accountability and efficiency in our municipal government. Fortunately, the Anchorage Lobbying Ordinance was put in place August of 2000.

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At a time in this country when there should be as much openness and dialogue as possible between the government and the people about what the government is doing, to propose a blatant circumvention of well written laws regarding the openness and candor of lobbyist-government activities is clearly a betrayal, not only of the people of Alaska but of the democratic process itself.

People are feeling disenfranchised enough already, this bill only disenfranchises the public more. Is that what you want?

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How does this bill serve the public? It doesn't. It only serves you, the politicians and the people who have a vested interest to keep you in office.

You are too intelligent and too seasoned as public officials to NOT know what you are doing.

Do not calendar this bill out of committee and you affirm the words of the House Majority Leader when he stated that he "...will bring a respect for the system and the institution of our government, our rules and the people who put them together."

Do not calendar this bill and you join the governor in his attempt to bring accountability to government by maintaining an open and honest process for lobbying and its associated activities. (Government employees also need to know who the lobbyists are as well, in order to have a more efficient government.)

Do not calendar this bill and you demonstrate that the public's interest is paramount to any special interest.

Do not calendar this bill, and you avoid giving the House Minority Leader another opportunity to make for darned good TV as he debates this bill on the House floor, and makes mincemeat out of anyone who would dare to support such an attack on the people's right to know what's going on in Juneau, by redefining the Lobbying Law and opening up your campaign coffers to lobbyists.

Respectfully submitted,
Andree McLeod

SB 89
Amendment by APOC
Page 2, Line 29
New Section 2

AS 24.45.171(1) is amended to read:

(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 or [,] regulation, [ORDER, DECISION, DETERMINATION,] or any other quasi-legislative [OR QUASI-JUDICIAL] action or proceeding whether or not governed by AS 44.62 (Administrative Procedure Act); **"administrative**

action" does not include

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

(B) the issuance, amendment, or revocation of a permit, license, or entitlement for use;

(C) the enforcement of compliance with existing law or the imposition of sanctions for a violation of existing law;

(D) procurement activity, including the purchase or sale of property, goods, or services by the agency or the award of a grant contract;

(E) the issuance of, or ensuring compliance with, a opinion; or
activity related to a collective bargaining agreement including
negotiating or enforcing the agreement;

Renumber remaining sections.

MEMORANDUM

State of Alaska
ALASKA PUBLIC OFFICES COMMISSION
DEPARTMENT OF ADMINISTRATION

TO: Representative Norm Rokeberg
Chairman, House Rules Committee

DATE: May 7, 2003

FROM: Brooke Miles
Executive Director

TEL. NO: 276-4176

SUBJECT: SB 89

On behalf of the Alaska Public Offices Commission, thank you for hearing SB 89. I have attached statistical information concerning the part-time employee lobbyists who are registered in the current year, and summary information disclosing the lobbying activities of the part-time employee lobbyists for calendar year 2002. This information may be useful to the Committee as it considers increasing the amount of time a person who is not employed specifically as a lobbyist may spend before being subject to the lobbying law.

As you review the statistical information, you will not find any "mom & pop" or other small businesses listed. Why? There are probably as many reasons as there are businesses that are not listed, but one reason is cost. Many small businesses in Alaska cannot afford either the time or money it takes to lobby. They have addressed this problem by forming associations; many of these associations have an executive director or other employee who registers to lobby on behalf of the association members. There are associations representing the medical community, marine pilots, fishermen, homebuilders, bankers, realtors, auto dealers, miners and accountants to name a few.

If SB 89 is enacted with an allowance of 40 hours in a 30-day period (160 hours total during the 120-day legislative session), it potentially exempts the 112 individuals who are currently registered as part-time employee lobbyists. Included among those who may be exempt are employees of oil companies, utility companies and labor unions, in addition to the associations discussed above. The Committee should also be aware that exempting these part-time employee lobbyists may result in a loss of up to \$12,000 in annual state revenues from lobbyist registration fees.

The Commission agrees that "four hours in a 30 day period" does not constitute a "substantial" amount of time for determining when a person who lobbies on behalf of her or his employer becomes subject to the law; the Commission supports increasing the hours to 16.

A significant amount of unfortunate misinformation seems to accompany this legislation.

The Committee should be aware that not everyone who lobbies is subject to the lobbying law, for example:

1. Volunteer lobbyists - those who do not receive a fee, salary, or reimbursement for expenses, but spend only their own money;
2. The sole proprietor of a business using money earned from that business;
3. A person who communicates with various state departments or agencies on permitting issues, licensing, procurement, and collective bargaining;
4. A person who participates in public proceedings before state agencies;
5. A person who monitors or tracks legislation whether for their employer, client or for personal reasons even if that person contacts legislative employees for routine information such as hearing schedules, copies of amendments, etc; and
6. Associations that engage in grassroots lobbying.

In addition, the Committee should know that the following activities, by themselves, would not subject a person to the lobbying law:

1. Accompanying the Governor on a trade mission;
2. Playing golf with a public official; and
3. Participating in a legislative "fly-in."

Commission regulations provide for a "representational lobbyist." This is an individual who is not compensated for her or his time, but whose expenses connected with lobbying activity are paid in whole or in part by the principal on whose behalf the individual is lobbying. Representational lobbyists are required to register, but are not required to pay the registration fee. They are not required to file lobbyist reports but the principals paying or reimbursing their expenses are required to file quarterly employer of lobbyist reports disclosing the expenses that were paid or reimbursed. Additionally, representational lobbyists are not subject to the fundraising restrictions under the lobbying law or the contribution restrictions under the campaign disclosure law.

Finally, SB 119 and HB 157, the omnibus APOC legislation, include some definition language codifying certain "administrative actions" currently exempt through Commission regulations. In the event that the lobbying sections of that legislation are deleted, we ask that the Committee consider adding that section to SB 89. A copy of that language is also attached.

Attachments

2003 Employee Lobbyists' Salary and Expenses

<i>Employer</i>	<i>Lobbyist</i>	<i>Subject</i>	<i>JanFee</i>	<i>JanExp</i>	<i>FebFee</i>	<i>FebExp</i>	<i>MarchFee</i>	<i>MarchExp</i>
AAA Mountain West	Levis	Travel/Insurance/Safe	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
AARP	Luby	Various	\$7,607.00	\$116.00	\$6,615.00	\$0.00	\$0.00	\$0.00
ACLU	Rudinger	Constitutional Issues	\$0.00	\$0.00	\$150.00	\$675.00	\$120.00	\$647.00
ACSA	Francis	Education / Public Sc	\$804.00	\$0.00	\$1,054.00	\$0.00	\$0.00	\$0.00
AGC of AK	Cattanach	Construction	\$0.00	\$0.00	\$792.00	\$1,137.00	\$0.00	\$0.00
Agrium, Inc.	Parker	Oil & Gas	\$3,173.00	\$1,450.00	\$3,808.00	\$2,568.00	\$3,808.00	\$3,567.00
AK Conservation Alliance	Davidson	Environmental Concer	\$0.00	\$0.00	\$244.00	\$0.00	\$286.00	\$0.00
AK Conservation Voters	Davidson	Environmental Concer	\$0.00	\$0.00	\$165.00	\$0.00	\$135.00	\$0.00
AK Forest Assoc	Woodbury	Timber	\$0.00	\$0.00	\$0.00	\$0.00	\$350.00	\$0.00
AK Forest Assoc	Graham	Timber	\$0.00	\$0.00	\$0.00	\$0.00	\$180.00	\$0.00
AK Miners Assoc	Borell	Mining	\$0.00	\$0.00	\$1,259.00	\$527.00	\$599.00	\$0.00
AK Municipal League	Mc Ilvain	Municipality	\$0.00	\$0.00	\$417.00	\$0.00	\$417.00	\$0.00
AK Municipal League	Gilbertson	Municipality	\$0.00	\$0.00	\$1,117.00	\$0.00	\$1,117.00	\$0.00
AK Oil & Gas Assoc	Crockett	Oil & Gas	\$455.00	\$393.00	\$299.00	\$57.00	\$341.00	\$959.00
AK Oil & Gas Assoc	Brady	Oil & Gas	\$65.00	\$8.00	\$392.00	\$66.00	\$131.00	\$0.00
AK Professional Hunters Assoc	Fithian	Hunting	\$0.00	\$0.00	\$320.00	\$381.00	\$0.00	\$0.00
AK Railroad Corp.	Lindskoog	Transportation	\$1,121.00	\$493.00	\$1,845.00	\$1,167.00	\$2,829.00	\$1,972.00
AK Railroad Corp.	Blasingame	Transportation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
AK Railroad Corp.	Gamble	Transportation	\$0.00	\$0.00	\$706.00	\$770.00	\$0.00	\$0.00
AK Railroad Corp.	Silverstein	Transportation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

<i>Employer</i>	<i>Lobbyist</i>	<i>Subject</i>	<i>JanFee</i>	<i>JanExp</i>	<i>FebFee</i>	<i>FebExp</i>	<i>MarchFee</i>	<i>MarchExp</i>
AK Railroad Corp.	Kubitz	Transportation	\$0.00	\$0.00	\$0.00	\$649.00	\$0.00	\$0.00
AK St. Chamber of Commerce	La Bolle	Business	\$6,667.00	\$0.00	\$6,668.00	\$0.00	\$6,668.00	\$0.00
AK St. Chamber of Commerce	Brown	Business	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
AK St. Dist. Council/Laborers	Etheridge	Labor	\$200.00	\$0.00	\$500.00	\$0.00	\$500.00	\$0.00
AK Support Industry Alliance	Houle	Oil & Gas	\$0.00	\$0.00	\$0.00	\$0.00	\$1,061.00	\$608.00
AK Telephone Assoc	Rowe	Telecommunications	\$0.00	\$0.00	\$416.00	\$0.00	\$1,300.00	\$339.00
AK Travel Industry Assoc	Peck	Tourism	\$0.00	\$0.00	\$86.00	\$0.00	\$301.00	\$775.00
AK Trailers Assoc	Kelley	Fisheries	\$1,920.00	\$0.00	\$960.00	\$0.00	\$960.00	\$0.00
AK Trucking Assoc	Dillon	Transportation	\$3,000.00	\$750.00	\$3,000.00	\$750.00	\$3,000.00	\$500.00
Allen Marine Tours, Inc.	Gorsuch	Tourism	\$0.00	\$0.00	\$0.00	\$0.00	\$525.00	\$0.00
Allen Marine Tours, Inc.	Allen	Tourism	\$0.00	\$0.00	\$0.00	\$0.00	\$1,033.00	\$309.00
Allstate Insurance Company	Mocerl	Insurance	\$0.00	\$0.00	\$480.00	\$2,600.00	\$720.00	\$1,391.00
American Heart Assoc	App	Health	\$0.00	\$0.00	\$383.00	\$610.00	\$151.00	\$0.00
American Lung Assoc of AK	Garbe	Health	\$0.00	\$0.00	\$554.00	\$341.00	\$0.00	\$0.00
American Lung Assoc of AK	Toohy	Health	\$0.00	\$0.00	\$513.00	\$230.00	\$0.00	\$0.00
Anadarko Petroleum Corp.	Hanley	Oil & Gas	\$770.00	\$812.00	\$1,155.00	\$1,621.00	\$700.00	\$747.00
ANDV&SA	Hugonin	Domestic Violence	\$165.00	\$0.00	\$385.00	\$0.00	\$494.00	\$0.00
APT	Satin	Telecommunications	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Arctic Power	Duke	Oil & Gas	\$0.00	\$0.00	\$770.00	\$1,015.00	\$1,400.00	\$800.00
ARECA	Yould	Electric Utilities	\$1,583.00	\$1,844.00	\$53.00	\$3,237.00	\$1,110.00	\$30,223.00
ASEA/AFSCME Local 52	Putman	Labor	\$0.00	\$359.00	\$4,091.00	\$0.00	\$6,884.00	\$40.00
ASH&NHA	Derr	Health	\$3,201.00	\$0.00	\$3,201.00	\$0.00	\$3,201.00	\$0.00
ASH&NHA	Fink	Health	\$1,909.00	\$0.00	\$1,909.00	\$0.00	\$1,909.00	\$0.00

<i>Employer</i>	<i>Lobbyist</i>	<i>Subject</i>	<i>JanFee</i>	<i>JanExp</i>	<i>FebFee</i>	<i>FebExp</i>	<i>MarchFee</i>	<i>MarchExp</i>
Assoc of AK School Boards	Johnson	Education	\$465.00	\$0.00	\$655.00	\$0.00	\$655.00	\$0.00
Assoc of AK School Boards	Rose	Education	\$1,375.00	\$0.00	\$1,775.00	\$0.00	\$1,775.00	\$0.00
Attorney's Title Guaranty	Wickersham	Insurance	\$1,486.00	\$1,029.00	\$1,486.00	\$0.00	\$1,486.00	\$0.00
Big Jir's Charter	Preston	Charter Issues	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
BP Exploration (Alaska), Inc.	Quesnel	Oil & Gas	\$6,936.00	\$3,619.00	\$13,464.00	\$9,933.00	\$11,016.00	\$6,669.00
Catholic Community Services	Hagevig	Social Services	\$79.00	\$0.00	\$95.00	\$0.00	\$647.00	\$0.00
ChevronTexaco Corp.	Boortz	Oil & Gas	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Chugach Electric Assoc, Inc.	Griffith	Utilities	\$0.00	\$0.00	\$1,067.00	\$0.00	\$400.00	\$1,161.00
Chugach Electric Assoc, Inc.	Thibert	Utilities	\$0.00	\$0.00	\$0.00	\$0.00	\$1,373.00	\$966.00
Chugach Electric Assoc, Inc.	Steyer	Electric Utilities	\$0.00	\$0.00	\$852.00	\$960.00	\$709.00	\$1,044.00
Conoco Phillips Alaska, Inc.	Gallagher	Oil & Gas	\$3,717.00	\$3,623.00	\$5,977.00	\$3,614.00	\$5,977.00	\$3,614.00
Conoco Phillips Alaska, Inc.	Parnell	Oil & Gas	\$2,655.00	\$2,977.00	\$3,955.00	\$5,080.00	\$4,226.00	\$6,054.00
Cordova District Fishermen	Aspelund	Fisheries	\$40.00	\$125.00	\$20.00	\$130.00	\$0.00	\$0.00
Disability Law Center of AK, Inc.	Briggs	Disability Law	\$0.00	\$0.00	\$144.00	\$0.00	\$1,050.00	\$50.00
Dobson Cellular/ Cellular One	Koehler	Telecommunications	\$0.00	\$0.00	\$231.00	\$0.00	\$0.00	\$0.00
Douglas Island Pink & Chum, Inc.	Carter	Fisheries	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
DRven Corp.	Stiles	Mineral Resources	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Evergreen Resources, Inc.	Ekstrom	Oil & Gas	\$0.00	\$0.00				
ExxonMobil Corp.	Schilhab	Oil & Gas	\$0.00	\$100.00	\$0.00	\$0.00	\$1,000.00	\$853.00
ExxonMobil Corp.	Freeman	Oil & Gas	\$0.00	\$100.00	\$0.00	\$0.00	\$0.00	\$0.00
ExxonMobil Corp.	Seckers	Oil & Gas	\$0.00	\$100.00	\$2,000.00	\$949.00	\$1,000.00	\$0.00
ExxonMobil Corp.	Todd	Oil & Gas	\$3,520.00	\$2,773.00	\$7,680.00	\$6,082.00	\$3,000.00	\$7,230.00
ExxonMobil Corp.	Williams	Oil & Gas	\$150.00	\$100.00	\$800.00	\$1,623.00	\$600.00	\$1,060.00

<i>Employer</i>	<i>Lobbyist</i>	<i>Subject</i>	<i>JanFee</i>	<i>JanExp</i>	<i>FebFee</i>	<i>FebExp</i>	<i>MarchFee</i>	<i>MarchExp</i>
Forest Oil Corp.	Carlson	Oil & Gas	\$0.00	\$0.00	\$1,400.00	\$2,413.00	\$420.00	\$1,054.00
General Communication, Inc.	Tindall	Telecommunications	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
General Communication, Inc.	Warwick	Telecommunications	\$0.00	\$0.00	\$0.00	\$0.00	\$1,255.00	\$2,141.00
Household Financial Group, Ltd.	Echols	Consumer Finance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Icicle Seafoods, Inc.	Norosz	Fisheries	\$320.00	\$435.00	\$600.00	\$2,407.00	\$720.00	\$1,991.00
Kent Dawson Company	Dawson	Various	\$0.00	\$0.00	\$500.00	\$0.00	\$0.00	\$0.00
Kent Dawson Company	Schultz	Various	\$0.00	\$0.00	\$3,840.00	\$0.00	\$3,840.00	\$0.00
Marathon Oil Company	Barnes	Oil & Gas	\$0.00	\$0.00	\$234.00	\$1,360.00	\$446.00	\$1,148.00
Marathon Oil Company	Thierwechter	Oil & Gas	\$0.00	\$0.00	\$159.00	\$2,743.00	\$954.00	\$5,993.00
March of Dimes	Golden	Health	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Matanuska Electric Assoc.	Pauley	Electric Utilities	\$600.00	\$802.00	\$262.00	\$0.00	\$975.00	\$955.00
Matanuska Electric Assoc.	Babcock	Public Utilities	\$2,805.00	\$937.00	\$3,294.00	\$1,866.00	\$2,894.00	\$2,056.00
Miller Brewing Company	Hastings	Alcohol	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
National Rifle Assoc	Judy	Firearms	\$0.00	\$0.00	\$2,480.00	\$1,789.00	\$1,550.00	\$1,571.00
NCADD	Felix	Health	\$1,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
NEA-Alaska, Inc.	Harvey	Labor/Education	\$405.00	\$0.00	\$2,670.00	\$0.00	\$1,672.00	\$26.00
NEA-Alaska, Inc.	Alcantra	Education / Labor	\$997.00	\$0.00	\$823.00	\$0.00	\$2,564.00	\$0.00
NEA-Alaska, Inc.	Kronberg	Education	\$929.00	\$0.00	\$1,300.00	\$0.00	\$511.00	\$0.00
NEA-Alaska, Inc.	Goad, Jr.	Education Funding	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Pacific Seafood Processors	Madsen	Fisheries	\$80.00	\$0.00	\$300.00	\$0.00	\$100.00	\$0.00
Pepsi Cola	Briley	Soft Drink Distribution	\$0.00	\$0.00	\$1,339.00	\$727.00	\$0.00	\$0.00
Premiera Blue Cross	McRae	Health	\$94.00	\$0.00	\$94.00	\$771.00	\$188.00	\$1,209.00
Premiera Blue Cross	Domeika	Health	\$225.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

<i>Employer</i>	<i>Lobbyist</i>	<i>Subject</i>	<i>JanFee</i>	<i>JanExp</i>	<i>FebFee</i>	<i>FebExp</i>	<i>MarchFee</i>	<i>MarchExp</i>
Public Safety Employees Assoc.	Fox	Retirement	\$5,533.00	\$57.00	\$5,533.00	\$84.00	\$5,533.00	\$0.00
Resource Develop Council	Owens	Resource Developme	\$895.00	\$2,703.00	\$895.00	\$161.00	\$895.00	\$161.00
Resource Develop Council	Portman	Resource Developme	\$268.00	\$54.00	\$268.00	\$154.00	\$268.00	\$54.00
Resource Develop Council	Brune	Resource Developme	\$408.00	\$207.00	\$408.00	\$107.00	\$408.00	\$107.00
Rocky Mt. Elk Foundation, Inc.	Parker	Conservation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
SE AK Conservation Council	Ferry	Conservation	\$45.00	\$0.00	\$8.00	\$0.00	\$0.00	\$0.00
SE AK Conservation Council	Anderson	Conservation	\$25.00	\$0.00	\$49.00	\$0.00	\$49.00	\$0.00
SE AK Conservation Council	Lindekugel	Conservation	\$0.00	\$0.00	\$13.00	\$0.00	\$0.00	\$0.00
SE AK Fishermen's Alliance	Hansen	Fisheries	\$300.00	\$0.00	\$350.00	\$0.00	\$200.00	\$0.00
Sealaska Corp.	Harris	Native Corporation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Seulheast Conference	Schijvens	Transportation, Natur	\$0.00	\$0.00	\$0.00	\$0.00	\$45.00	\$0.00
Southeast Conference	Gerhard	Transportation	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tanana Chiefs Conference, Inc.	Brown	Native Corp.	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Tanana Chiefs Conference, Inc.	Schutt	Native Organizations	\$0.00	\$0.00	\$921.00	\$1,364.00	\$0.00	\$0.00
Teamsters Local 959	Huff Tuckness	Labor	\$684.00	\$1,297.00	\$880.00	\$1,161.00	\$4,090.00	\$2,472.00
The American Legion, Dept of AK	Hill	Veteran Issues	\$0.00	\$0.00	\$342.00	\$406.00	\$0.00	\$0.00
United Fishermen of AK	Gemmell	Fisheries	\$45.00	\$0.00	\$85.00	\$0.00	\$23.00	\$0.00
United SE AK Gillnetters	Duckett	Fisheries	\$0.00	\$0.00	\$2,000.00	\$0.00	\$0.00	\$0.00
Usibelli Coal Mine, Inc.	Boddy	Mining	\$0.00	\$0.00	\$0.00	\$0.00	\$1,030.00	\$1,176.00
Usibelli Coal Mine, Inc.	Usibelli	Mining	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
UW School of Medicine	Tryck	Health/Education	\$3,060.00	\$0.00	\$3,060.00	\$841.00	\$3,060.00	\$0.00
VECO Corp.	Allen	Oil & Gas	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Williams AK Petroleum, Inc.	Cook	Oil & Gas	\$600.00	\$649.00	\$1,200.00	\$1,650.00	\$1,500.00	\$0.00

<u>Employer</u>	<u>Lobbyist</u>	<u>Subject</u>	<u>JanFee</u>	<u>JanExp</u>	<u>FebFee</u>	<u>FebExp</u>	<u>MarchFee</u>	<u>MarchExp</u>
		<i>Grand Total</i>	\$72,581.00	\$27,912.00	\$119,815.00	\$66,776.00	\$125,134.00	\$93,692.00

2002 EMPLOYEE / PART-TIME LOBBYISTS

Lobbyist	Employer	Salary	Expenses	Total
Alcantra, John	NEA-Alaska, Inc.	\$9,212.00	\$0.00	\$9,212.00
Allen, Bill	VECO Corporation	\$6,012.00	\$4,684.00	\$10,696.00
Babcock, Tuckerman	Matanuska Electric Associaton	\$25,138.00	\$8,042.00	\$33,180.00
Barefoot, Linda	Purdue Pharma	\$596.00	\$2,051.00	\$2,647.00
Barnes, John	Marathon Oil Company	\$3,155.00	\$1,507.00	\$4,662.00
Bedford, David	SE AK Seiners Assoc	\$1,608.00	\$0.00	\$1,608.00
Bernard, Rebecca	Trustees for AK	\$1,443.00	\$373.00	\$1,816.00
Blasco, Robert	City of Skagway	\$726.00	\$0.00	\$726.00
Blasingame, James	AK Railroad Corporation	\$0.00	\$0.00	\$0.00
Block, Richard	Christian Science Committee on Publication	\$0.00	\$0.00	\$0.00
Boddy, Charles	Usibelli Coal Mine, Inc.	\$1,485.00	\$1,494.00	\$2,979.00
Boortz, Marielle	ChevronTexaco Corporation	\$0.00	\$0.00	\$0.00
Borell, Steven	AK Miners Assoc	\$1,932.00	\$133.00	\$2,065.00
Brady, Judith	AK Oil & Gas Assoc	\$2,458.00	\$607.00	\$3,065.00
Brand, Karen	AK St. Chamber of Commerce	\$1,368.00	\$0.00	\$1,368.00
Briley, Roger	Pepsi Cola	\$1,824.00	\$1,053.00	\$2,877.00
Brune, Jason	Resource Development Council for AK, Inc.	\$4,532.00	\$2,452.00	\$6,984.00
Burke, Susan	Cornell Corrections, Inc.	\$8,773.00	\$100.00	\$8,873.00
Burke, Susan	NW CruiseShip Assoc	\$1,929.00	\$100.00	\$2,029.00
Burke, Susan	Tanana Valley Clinic	\$4,639.00	\$100.00	\$4,739.00
Burns, John	Tanana Valley Clinic	\$9,139.00	\$0.00	\$9,139.00
Carter, Jon	Douglas Island Pink & Chum, Inc.	\$0.00	\$0.00	\$0.00
Cattanach, Richard	Associated General Contractors of AK	\$1,100.00	\$2,099.00	\$3,199.00
Clark, James	AK Pulp Corporation	\$3,164.00	\$100.00	\$3,264.00

Lobbyist	Employer	Salary	Expenses	Total
Clark, James	Greens Creek Mining Company	\$540.00	\$100.00	\$640.00
Cline, David	World Wildlife Fund	\$0.00	\$0.00	\$0.00
Cook, Jeffry	Williams AK Petroleum, Inc.	\$2,240.00	\$3,151.00	\$5,391.00
Cowart, Karen	BP Exploration (Alaska), Inc.	\$16,560.00	\$18,344.00	\$34,904.00
Crockett, Marilyn	AK Oil & Gas Assoc	\$2,911.00	\$2,774.00	\$5,685.00
Dawson, V. Kent	Galena City School District	\$34,999.00	\$100.00	\$35,099.00
Derr, Laraine	ASH&NHA	\$36,585.00	\$0.00	\$36,585.00
Dillon, Frank	AK Trucking Assoc	\$23,000.00	\$3,595.00	\$26,595.00
Domeika, John	Premera Blue Cross	\$5,237.00	\$2,569.00	\$7,806.00
Duke, Kimberly	Arctic Power	\$1,939.00	\$2,019.00	\$3,958.00
Echols, Tom	Household Financial Group, Ltc.	\$0.00	\$0.00	\$0.00
Felix, Matt	Nat'l Council on Alcoholism & Drug Dependence	\$750.00	\$0.00	\$750.00
Fink, Linda	ASH&NHA	\$22,138.00	\$0.00	\$22,138.00
Fithian, Robert	AK Professional Hunters Assoc	\$960.00	\$1,645.00	\$2,605.00
Flint, Robert	AK Catholic Conference	\$6,125.00	\$0.00	\$6,125.00
Fouse, Melissa	AK Action Trust	\$4,896.00	\$1,080.00	\$5,976.00
Frankevich, Joan	National Parks Conservation Assoc	\$280.00	\$331.00	\$611.00
Gallagher, Gerald	Conoco/Phillips Alaska, Inc.	\$40,025.00	\$17,690.00	\$57,715.00
Gamble, Patrick	AK Railroad Corporation	\$707.00	\$841.00	\$1,548.00
Garbe, Christie	American Lung Assoc of AK	\$1,553.00	\$2,765.00	\$4,318.00
Geldhof, Joe	Mechanical Contractors of Fairbanks, Inc	\$0.00	\$0.00	\$0.00
Gemmell, Thomas	United Fishermen of AK	\$924.00	\$0.00	\$924.00
George, Tom	Aircraft Owners & Pilots Assoc	\$3,963.00	\$269.00	\$4,232.00
Gerhard, Loren	Southeast Conference	\$450.00	\$0.00	\$450.00
Glude, Bill	SE AK Avalanche Center	\$4,000.00	\$0.00	\$4,000.00

Lobbyist	Employer	Salary	Expenses	Total
Graham, Owen	AK Forest Assoc	\$108.00	\$0.00	\$108.00
Hagevig, Rosemary	Catholic Community Services	\$0.00	\$0.00	\$0.00
Hanley, Mark	Anadarko Petroleum Corporation	\$11,480.00	\$16,661.00	\$28,141.00
Hansen, Kathryn	SE AK Fishermen's Alliance	\$3,700.00	\$0.00	\$3,700.00
Hargraves, Darroll	AK Council of School Administrators	\$14,515.00	\$0.00	\$14,515.00
Harris, Richard	Sealaska Corporation	\$0.00	\$0.00	\$0.00
Harvey, Thomas	NEA-Alaska, Inc.	\$10,259.00	\$0.00	\$10,259.00
Hegna, Joseph	Conoco/Phillips Alaska, Inc	\$0.00	\$0.00	\$0.00
Hesse, II, John	Direct Selling Assoc	\$4,000.00	\$0.00	\$4,000.00
Hill, Dean	The American Legion, Dept of AK	\$513.00	\$404.00	\$917.00
Houle, Larry	AK Support Industry Alliance	\$0.00	\$0.00	\$0.00
Huff Tuckness, Barbara	Teamsters Local 959	\$19,091.00	\$13,254.00	\$32,345.00
Hugonin, Lauree	AK Network/Domestic Violence & Sexual Assault	\$2,380.00	\$0.00	\$2,380.00
Hurley, Michael	Conoco/Phillips Alaska, Inc.	\$8,804.00	\$23,991.00	\$32,795.00
Johnson, Bruce	Assoc of AK School Boards	\$3,750.00	\$0.00	\$3,750.00
Judy, Brian	National Rifle Assoc	\$9,350.00	\$3,498.00	\$12,848.00
Kelley, Dale	AK Trollers Assoc	\$4,512.00	\$33.00	\$4,545.00
Knudson, Kip	Era Aviation, Inc.	\$7,068.00	\$1,586.00	\$8,654.00
Konrad, Ken	BP Exploration (Alaska), Inc.	\$4,640.00	\$1,522.00	\$6,162.00
Krafft, Julie	AK Municipal League	\$6,392.00	\$0.00	\$6,392.00
Kronberg, Rich	NEA-Alaska, Inc.	\$3,501.00	\$0.00	\$3,501.00
Kubitz, James	AK Railroad Corporation	\$0.00	\$0.00	\$0.00
La Bolle, Pamela	AK St. Chamber of Commerce	\$43,340.00	\$0.00	\$43,340.00
Lessmeier, & Winters	State Farm Insurance Company	\$41,000.00	\$1,509.00	\$42,509.00
Levis, Charity	AAA Mountain West	\$0.00	\$0.00	\$0.00
Lindgren, Tina	AK Travel Industry Assoc	\$1,212.00	\$1,363.00	\$2,575.00

Lobbyist	Employer	Salary	Expenses	Total
Lindskoog, Wendy	AK Railroad Corporation	\$13,773.00	\$14,565.00	\$28,338.00
Luby, John	AARP	\$65,326.00	\$2,251.00	\$67,577.00
MacCay, Charlotte	Teck Cominco AK, Inc.	\$2,162.00	\$2,179.00	\$4,341.00
MacClarence, Jan	AWAIC, Inc.	\$260.00	\$277.00	\$537.00
Madden, Jerry	United SE AK Gillnetters	\$0.00	\$0.00	\$0.00
Madsen, Stephanie	Pacific Seafood Processors Assoc	\$975.00	\$0.00	\$975.00
Marley, Annette	AK Native Health Board	\$1,713.00	\$556.00	\$2,269.00
Marquez, David	VECO Corporation	\$43,500.00	\$11,649.00	\$55,149.00
Marshall, Vernon	NEA-Alaska, Inc.	\$2,409.00	\$0.00	\$2,409.00
McCune, Gerald	United Fishermen of AK	\$30,000.00	\$0.00	\$30,000.00
McRae, Jack	Premera Blue Cross	\$3,688.00	\$1,755.00	\$5,443.00
Merten, Lis	National Assoc of Chain Drug Stores	\$276.00	\$990.00	\$1,266.00
Munson, Myra	Yukon Kuskokwim Health Corporation	\$0.00	\$0.00	\$0.00
Norosz, Kris	Icicle Seafoods, Inc.	\$4,656.00	\$6,607.00	\$11,263.00
Owens, Tadd	Resource Development Council for AK, Inc.	\$10,226.00	\$4,281.00	\$14,507.00
Parker, Lisa	Agrium, Inc.	\$21,892.00	\$3,172.00	\$25,064.00
Parker, Portia	American Cancer Society, NW Division	\$0.00	\$0.00	\$0.00
Parnell, Sean	Conoco/Phillips Alaska, Inc.	\$24,300.00	\$19,704.00	\$44,004.00
Perkins, Dwight	IAPMO	\$33,335.00	\$0.00	\$33,335.00
Portman, Carl	Resource Development Council for AK, Inc.	\$3,096.00	\$1,641.00	\$4,737.00
Powell, James	Allstate Insurance Company	\$350.00	\$795.00	\$1,145.00
Prewitt, James (Frank)	Cornell Corrections, Inc.	\$44,000.00	\$11,779.00	\$55,779.00
Putman, V. Fate	ASEA/AFSCME Local 52	\$51,105.00	\$3,229.00	\$54,334.00
Quesnel, Paul	BP Exploration (Alaska), Inc.	\$47,727.00	\$32,642.00	\$80,369.00
Ritchie, Kevin	AK Municipal League	\$8,356.00	\$0.00	\$8,356.00
Rose, Carl	Assoc of AK School Boards	\$10,500.00	\$0.00	\$10,500.00

Lobbyist	Employer	Salary	Expenses	Total
Rowe, James	AK Telephone Assoc	\$8,836.00	\$2,609.00	\$11,445.00
Rudinger, Jennifer	ACLU	\$1,100.00	\$3,250.00	\$4,350.00
Satin, Susan	AK Public Telecommunications, Inc.	\$0.00	\$0.00	\$0.00
Schilhab, Robert	ExxonMobil Corporation	\$750.00	\$4,982.00	\$5,732.00
Schrader, Susan	AK Conservation Voters	\$1,866.00	\$0.00	\$1,866.00
Seckers, Daniel	ExxonMobil Corporation	\$6,400.00	\$3,032.00	\$9,432.00
Selby, Jerome	Providence Health System in AK	\$110,837.00	\$2,009.00	\$112,846.00
Shavelson, Bob	Cook Inlet Keeper	\$194.00	\$545.00	\$739.00
Shively, John	Foothills Pipe Lines, Ltd.	\$59,550.00	\$8,593.00	\$68,143.00
Silverstein, Steven	AK Railroad Corporation	\$0.00	\$0.00	\$0.00
Slocum, Brian	Tanana Valley Clinic	\$25,309.00	\$17,374.00	\$42,683.00
Stiles, Robert	DRven Corporation	\$1,736.00	\$1,475.00	\$3,211.00
Thierwechter, Douglas	Marathon Oil Company	\$1,484.00	\$10,695.00	\$12,179.00
Thorstenson, Jr., Robert	United Fishermen of AK	\$0.00	\$0.00	\$0.00
Tillinghast, Jonathan	Sealaska Corporation	\$10,913.00	\$0.00	\$10,913.00
Todd, Michael	ExxonMobil Corporation	\$30,400.00	\$27,294.00	\$57,694.00
Toohy, Michelle	American Cancer Society, NW Division	\$0.00	\$0.00	\$0.00
Tryck, Suzanne	UW School of Medicine	\$36,723.00	\$2,030.00	\$38,753.00
Turner, Amy	AK Conservation Voters	\$0.00	\$0.00	\$0.00
Usibelli, Joseph	Usibelli Coal Mine, Inc.	\$0.00	\$0.00	\$0.00
Virgin, Randy	AK Center for the Environment	\$0.00	\$0.00	\$0.00
Williams, Jack	ExxonMobil Corporation	\$575.00	\$1,193.00	\$1,768.00
Wolff, Sara	Orphan Medical, Inc.	\$490.00	\$0.00	\$490.00
Yould, Eric	ARECA	\$23,147.00	\$8,658.00	\$31,805.00
Grand Total		\$952,887.00	\$275,901.00	\$1,228,788.00

STATE OF ALASKA

Department of Administration

Alaska Public Offices Commission

FRANK H. MURKOWSKI, GOVERNOR

2221 EAST NORTHERN LIGHTS, RM 128
ANCHORAGE ALASKA 99509-4149
PHONE: (907) 276-4176
FAX: (907) 276-7018
e-mail: *First Name_Last Name@admin.state.ak.us*

P.O. BOX 110222
JUNEAU, ALASKA 99811-0222
PHONE: (907) 485-4864
FAX: (907) 485-4832
e-mail: *First Name_Last Name@admin.state.ak.us*

February 11, 2003

Brett Huber, Executive Director
Kenai River Sport Fishing Association
PO Box 1228
Soldotna, AK 99669

Dear Mr. Huber:

You will recall that we had a telephone conversation regarding whether your activities amount to lobbying, requiring you to register with APOC. I have considered what you said in our telephone conversation, reviewed the letter and newsletter you gave to each legislator, reviewed the lobbying statutes and regulations, and discussed this matter with our director. I have concluded that you are engaged in lobbying activities on behalf of the Kenai River Sport Fishing Association and that you have probably reached the four-hour in a thirty day limit.

AS 24.45.171(8)(A) defines lobbyist as a person who is employed and received payments including reimbursement for reasonable travel and living expenses to communicate directly with any public official for the purpose of influencing legislative or administrative action if a substantial or regular portion of the activities for which the person receives consideration is for the purpose of influencing legislative or administrative action.

AS 24.45.171(10)(D) defines payment to influence legislative or administrative action as a payment for the services of an employee for or in connection with direct communication with a public official.

If you are receiving a salary while you are talking with public officials, you are receiving a payment to lobby. The statute does not limit direct communications to a particular bill or any particular issue. The same is true if your employer reimburses your travel and per diem incurred to attend the meeting. To be considered a volunteer lobbyist and exempt from the registration requirement, you would need to be on leave from your job and pay all your own expenses.

February 11, 2003

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AS 24.45.171(6) defines influencing legislative or administrative action as promoting, advocating supporting, modifying, opposing, or delaying or seeking to do the same with respect to any legislative or administrative action by any means including but not limited to the provision or use of information, statistics, studies, or analyses in written or oral form.

Providing public officials with informational materials is one way of attempting to influence legislative or administrative action. Note that you do not have to be successful in your attempt, you merely have to make the attempt: "seeking to do the same."

AS 24.45.171(1) defines administrative action as the proposal, drafting, development, consideration, amendment, adoption, approval by any state agency of any rule or regulation.

This definition includes the work of the Board of Fish. Phone calls to and meetings with members of the Board of Fish would constitute attempts to influence administrative action.

AS 24.45.171(7) defines legislative action as 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, by legislative committee, or by a member or employee of the legislature acting in an official capacity.

In other words, lobbying is not confined to working towards the passage or defeat of any specific piece of legislation or regulation. Lobbying can be educating public officials so that when they consider a particular issue or legislative item, they include in that consideration the information you have provided. You would not be providing public officials with the information if you did not want them to consider it when dealing with the issues that are important to your association. Thus, by providing information to public officials you are attempting to influence legislative or administrative action: lobbying.

In addition AS 24.45.171(10)(E) defines payment to influence legislative or administrative action as a payment for or in connection with soliciting or urging other persons to enter into direct communication with a public official.

If, as part of your job, you encourage other people to contact legislators or other public officials, that is also lobbying.

2 AAC 50.545(f) defines "substantial or regular" as used in the definition of lobbyist to mean a that a person who is not employed specifically as a lobbyist is considered a lobbyist if, within a 30-day period, he spends in excess of four hours in direct communication with public officials and/or legislative employees in activities directed toward influencing legislative or administrative action.

As an employee of the Kenai River Sport Fishing Association, once you have spent four hours in direct communication with public officials and/or legislative employees, you must register.

2 AAC 50545(c) defines direct communication as talking, either in person or by telephone, with any public official or legislative employee.

Thus telephone calls to Board of Fish members, legislators, other public officials and legislative staff by you are lobbying.

You told me that the Association paid for your trip down to Juneau and that it would probably pay for additional trips in the future. You said that you did not think you were lobbying because you were not working for or against any particular bill, you were providing educational information. Additionally, you stated that you do not testify during committee hearings on specific bills. As I have explained above, those are not the criteria to determine if you meet the requirement to register as a lobbyist. It is also not relevant what issues you are discussing. If the Association is paying your salary and/or pays your travel and per diem and you are engaged in direct communications with public officials, you are lobbying on behalf of the Association.

Enclosed for your convenience are a 2003 registration, and a lobbyist report packet which includes an instruction manual. If you have any questions about the information contained in this letter or how to complete and file the lobbyist registration, please let me know.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION


Tammy L. Kempton
Juneau Branch Administrator
Enclosures

c: Brooke Miles, Executive Director