

HB

557

WORK DRAFT

WORK DRAFT

WORK DRAFT

23-LS1921\U  
Craver  
4/26/04

**CS FOR HOUSE BILL NO. 557( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): HOUSE RULES COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to a lobbyist's bullying, intimidating, or threatening a legislator or any**  
2 **person testifying or not testifying before the legislature, and providing for the**  
3 **investigation of lobbyists' violations of certain laws, the suspension of lobbyist**  
4 **registration, and civil penalties against lobbyists."**

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

6 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
7 to read:

8 **FINDINGS AND INTENT.** The legislature finds that open and unrestricted testimony  
9 on matters brought before the legislature is essential to the effective functioning of the  
10 legislature. Persons giving testimony should be free of the fear of retribution from a lobbyist.  
11 If a lobbyist attempts to influence a person's testimony before a legislative body by implicit or  
12 explicit threats, the Alaska Public Offices Commission may suspend the lobbyist's  
13 registration.

14 **\* Sec. 2.** AS 24.45.121(a) is amended to read:

L

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

WORK DRAFT

WORK DRAFT

23-LS1921\U

- 1 (a) A lobbyist may not
- 2 (1) engage in any activity as a lobbyist before registering under
- 3 AS 24.45.041;
- 4 (2) do anything with the intent of placing a public official under
- 5 personal obligation to the lobbyist or to the lobbyist's employer;
- 6 (3) intentionally deceive or attempt to deceive any public official with
- 7 regard to any material fact pertinent to pending or proposed legislative or
- 8 administrative action;
- 9 (4) cause or influence the introduction of a legislative measure solely
- 10 for the purpose of thereafter being employed to secure its passage or its defeat;
- 11 (5) cause a communication to be sent to a public official in the name of
- 12 any fictitious person or in the name of any real person, except with the consent of that
- 13 person;
- 14 (6) accept or agree to accept any payment in any way contingent upon
- 15 the defeat, enactment, or outcome of any proposed legislative or administrative action;
- 16 (7) serve as a member of a state board, or commission, if the lobbyist's
- 17 employer may receive direct economic benefit from a decision of that board or
- 18 commission;
- 19 (8) serve as a campaign manager or director, serve as a campaign
- 20 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
- 21 fund-raising event, directly or indirectly collect contributions for, or deliver
- 22 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
- 23 legislative campaign or campaign for governor or lieutenant governor if the lobbyist
- 24 has registered, or is required to register as a lobbyist, under this chapter, during the
- 25 calendar year; this paragraph does not apply to a representational lobbyist as defined
- 26 in the regulations of the Alaska Public Offices Commission, and does not prohibit a
- 27 lobbyist from making personal contributions to a candidate as authorized by AS 15.13
- 28 or personally advocating on behalf of a candidate;
- 29 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a
- 30 person covered by AS 24.60, during a legislative session, a gift, other than food or
- 31 beverage for immediate consumption, except for tickets to a charity event described in

WORK DRAFT

WORK DRAFT

23-LS1921U

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

AS 24.60.080(c)(10);

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

(11) as a result of a person's decision to provide or not provide testimony to the legislature, a legislator, or a legislative committee on an issue favored or opposed by the lobbyist,

(A) agree to, threaten to, or state or imply that the lobbyist

(i) will take or withhold or will cause another person to take or withhold a legislative, administrative, or political action, including support for or opposition to a bill, employment, nominations, or appointments; in this sub-subparagraph, "political action" has the meaning given in AS 24.60.990; or

(ii) will provide or not provide a thing of value; or

(B) bully or intimidate with the intent of influencing a legislator, legislative employee, or member of the public in regard to taking a position on an issue, voting, testifying, or lobbying.

\* Sec. 3. AS 24.45 is amended by adding a new section to article 4 to read:

Sec. 24.45.136. Suspension of registration and civil penalties for violations. (a) The commission may, on its own initiative or upon the information of any person, investigate a violation of this chapter by a lobbyist.

(b) If the commission finds that the lobbyist failed to comply with this chapter or a regulation adopted under this chapter, the commission may

(1) suspend the registration of the lobbyist for not more than 120 days;

and

(2) impose a civil fine of not more than \$5,000.

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 557  
( ) Publish Date: 4/21/2004

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Admin.  
Title Regarding lobbyist prohibitions BRU AK Public Offices Commission  
Component AK Public Offices Commission  
Sponsor House Rules  
Requester House State Affairs 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
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-----------------------------	------------	------------	------------	------------	------------	------------

<b>CHANGE IN REVENUES ( )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
-------------------------------	------------	------------	------------	------------	------------	------------

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

It is not possible to determine if there would be a fiscal impact to APOC as a result of this legislation at present. Under current lobbying statutes, the only penalties for violating the prohibitions in AS 24.45.121 are criminal penalties. Thus if a violation occurred, the Commission would be required to conduct a full investigation, hold a hearing, make a determination, and then report the violation to the Department of Law. This would be a time-consuming and expensive process, but the Commission has no way to estimate the possible fiscal impact as complaints of criminal wrong-doing by lobbyists are seldom filed with APOC and the Commission does not know if this legislation would change that. The Department of Law would be responsible for prosecuting the matter if the Commission found a violation. Therefore, there may be a fiscal impact to the Department of Law.

Prepared by: Brooke Miles Phone 276-4176  
Division: APOC Date/Time 4/23/04 3:38 PM  
Approved by: \_\_\_\_\_ Date 4/23/2004  
Agency: \_\_\_\_\_

# Alaska State Legislature

House of Representatives



Official Business

COMMITTEE ON RULES  
Representative Norman Rokeberg, Chairman

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

**Representative Cheryll Heinze**

**Sponsor Statement**

House Bill 557

**“An Act regarding lobbyist prohibitions.”**

**For Information, Contact: Rep. Cheryll Heinze, 465-4930**

In order to protect citizens and legislators from bullying or threatening by lobbyists, HB 557 proposes to make that kind of threatening activity punishable in criminal court. There is no place in Alaskan politics for that kind of extortionist behavior.

This bill will ensure that the people involved in Alaska's democratic process are protected from the suggestion or threat of harm for the purpose of influencing a citizen or legislator.

HB 557 affords people the protection from unscrupulous activities meant to influence their participation in the legislative process. Unless this type of activity is addressed and made punishable there will always be the possibility that undue pressure could be brought to bear by lobbyists in order to further their own agenda.

HB 557 will ensure that the legislation passed by the Alaska State Legislature will be uninfluenced by anything but the motivation to improve the quality of life for all Alaskans.

# [Iww-news] Lobbyist's Guerrilla Tactics Get Attention

[iww-news@lists.iww.org](mailto:iww-news@lists.iww.org) [iww-news@lists.iww.org](mailto:iww-news@lists.iww.org)  
Fri, 11 Jul 2003 14:23:46 -0700

- Previous message: [\[Iww-news\] BBC 6/30/03: Huge risks for Romanian illegals](#)
- Next message: [\[Iww-news\] What's the latest with Henry Norr?](#)
- Messages sorted by: [\[ date \]](#) [\[ thread \]](#) [\[ subject \]](#) [\[ author \]](#)

-----\_6019455==\_.ALT  
Content-Type: text/plain; charset="us-ascii"; format=flowed

The following article was published in the Los Angeles Times on Monday, July 07, 2003:

-----  
Lobbyist's Guerrilla Tactics Get Attention  
by Peter Nicholas, LA Times Staff Writer

SACRAMENTO -- For lobbyists in this state capital, the rules are pretty straightforward: befriend legislators; be discreet; don't embarrass the people whose vote you may need another day.

So Jamie Court, a consumer activist based in Santa Monica, seems to be taking a distinctly self-destructive path.

Court recently made public partial Social Security numbers of legislators who rejected a bill aimed at protecting people's privacy. Under a giant "WANTED" logo, Court's Web site shows thumbnail pictures of nine members of the Assembly Banking Committee who opposed the bill or didn't vote, coupled with the first four digits of each one's Social Security number.

Lawmakers are furious, charging that Court's tactics amount to a kind of blackmail. Assembly Speaker Herb Wesson asked the California Highway Patrol to investigate. The state police in turn asked the attorney general's office for guidance on whether a crime may have been committed, and is waiting to hear back, according to a CHP spokeswoman. A newly created Special Committee on Protocol also will look into the matter, Wesson's office said.

Legislators want to see if Court's actions run afoul of Article IV of the state Constitution, which makes it a felony to try to influence a legislator's vote through

intimidation.

To Court, it is the legislators who flouted the Constitution. Look at the first paragraph, he said, which declares privacy rights are "inalienable."

Court isn't worried about the anger coming his way. He said he merely wanted to drive home the point that everyone's privacy is jeopardized in an era when the most sensitive banking and personal records can be bought and sold on the Internet for a few dollars.

Far from backing off, he confirmed that he also could purchase the Social Security numbers of White House advisor Karl Rove, U.S. Atty. Gen. John Ashcroft and CIA chief George J. Tenet for \$26 apiece. (Court struck out with George W. Bush.)

Of the state's governing class, Court said: "They really think of themselves as kings and queens whose rings have to be kissed."

Sacramento Pariah

Court's guerrilla tactics have turned him into something of a pariah in Sacramento, a conspicuous misfit in a Capitol culture he says has come to resemble one big "commercial transaction."

In just the last two months, Court has parried insurance companies, banks, chambers of commerce and corporate interests in statehouse skirmishes that have turned ugly.

At a Senate Insurance Committee hearing in May, his microphone was cut off and he was escorted to the back of the room after suggesting that lawmakers were influenced by campaign contributions.

"I'm not in this to make money," said Court, executive director of the Santa Monica-based nonprofit Foundation for Taxpayer and Consumer Rights.

"I'm not in this to be a lobbyist who can communicate to legislators on a friendly basis. I'm here to stand up for the public and let the public know when politicians pee on their shoes."

That is the sort of talk that could sever alliances -- were there alliances to sever. But wooing lawmakers isn't Court's focus.

He sees his role, rather, as educating voters about the backroom workings of Sacramento and the degree to which corporations and willing legislators foil the public interest.

At times, his methods antagonize even those lawmakers who might be sympathetic.

Patricia Wiggins (D-Santa Rosa) was one of only three Banking Committee members who voted for the bill that would have barred financial institutions from selling or sharing personal records without customers' written approval. Wiggins said that if Court believes he is helping the cause, he is mistaken.

"It's a cuckoo way of going around making a point," Wiggins said in an interview. She added: "Hopefully, we can minimize the damage this guy's doing."

State Sen. Jackie Speier (D-Hillsborough), who sponsored the privacy legislation, sent Court a letter denouncing his approach.

"It is ironic that your organization would violate people's privacy rights under the guise of enhancing privacy protections for Californians," she wrote. "I neither need nor want help like this."

Court wrote a reply the same day: "So who are you to lecture us for exposing the truth -- which is that everyone's privacy is at risk -- and the hypocrisy of lawmakers who don't care about anybody's privacy but their own?"

Though she sponsored SB1, Speier gets no special deference from Court. The foundation posted her picture under a "WANTED" sign after she abstained from voting on a measure that would have barred companies with three felony convictions from doing business in California.

"He's fierce and relentless and an unstoppable force," said Harvey Rosenfield, who started the foundation in 1985. "And the lawmakers are terrified of that."

For the capital's mainstream lobbying set, watching Court is like watching a self-immolation -- from a safe distance.

"When you represent insurers or large businesses, taking a threatening approach is suicidal," said Dan Dunmoyer, president of the Personal Insurance Federation. "This is a town of relationships. And today's opponent is tomorrow's ally."

Court, 36, works out of a cluttered office in the foundation's headquarters. A sign on his wall quotes Dante: "The hottest places in hell are reserved for those who, in time of great moral crisis, maintain their neutrality."

He is one of eight people at the nonprofit, whose \$800,000 budget comes largely from foundations and private donors. Court's salary is \$100,000.

Progressive Causes

A graduate of Pomona College, Court has long been active in progressive causes. He has served as an advocate for the homeless and worked for church-based groups promoting anti-poverty and housing initiatives. He is married to a civil rights attorney.

His group champions a variety of progressive causes: keeping insurance premiums down, protecting whistle-blowers, defending patients' rights. Written on an office chalkboard is one word, repeated again and again: "Greed."

Court speaks with abundant self-assurance, in gusts of indignation over what he sees as a Sacramento morality so repugnant he says he visits the Capitol as little as possible.

There are few shades of gray. In a recent news release about one of his targets -- the Chamber of Commerce -- he rolled out his own "10 Commandments" for reform: "Thou shall not cheat the taxpayer... Thou shall not steal the worker's vote... "

Shunning expensive dinners with lawmakers, Court presses his agenda through a blitz of Web postings, op-ed pieces, cable TV appearances and a new book decrying the evils of big business, "Corporateering." The idea is to build a case through direct public appeals.

#### Motives Questioned

Still, some wonder if what he's promoting is public policy or Jamie Court.

"He's Jamie-one-note," Speier said in an interview. "And Jamie's one note is to say, 'Everyone is corrupt but me.' I won't buy that."

The foundation's tactics veer toward the personal, the theatrical. In 2000, the group printed up cards depicting Gov. Gray Davis on a milk carton to illustrate its contention that Davis was missing during a debate over HMO reform.

In the mid-1990s, the foundation plopped a dead fish onto a table at a legislative hearing to make the point that various proposals involving HMO reform amounted to a red herring.

How else can the foundation compete? the staff asks.

"In Sacramento, the people with the most money win," Rosenfield said.

"And therefore the lobbyists with the most money can afford to be quiet and reserved because their job is done in the dark, behind closed doors when they pass checks. So

they don't have to make a big stink... In that arena, our power comes from the public."

With the privacy legislation stalled, Court is hoping to put the measure on the ballot in the spring. He doesn't seem fazed by the prospect of an investigation. He never released the complete Social Security numbers and, in any case, he says, he is not the villain.

Rosenfield said: "The fact that they're squealing like stuck pigs tells me they're beginning to understand how the rest of us feel when our privacy is invaded on a daily basis... Instead of investigating the day-by-day corrupt and illegal influence of campaign contributions on their colleagues, some legislators want to investigate us."

-----  
Ratepayer Revolt - <http://www.ratepayerrevolt.org/>

This e-mail was sent to you because you are a subscriber to the FTCR Ratepayer Revolt mailing list.

FTCR\'s ability to keep doing this work rests with people like you. Your financial support will really make a difference. To help support FTCR, please go to our donation page: <http://www.consumerwatchdog.org/ftcr/donate.php3>

To unsubscribe send an email to [majordomo@consumerwatchdog.org](mailto:majordomo@consumerwatchdog.org) with the following in the message body:  
unsubscribe utilities

NOTE: Make sure you are sending the request from the account from which you are subscribed.  
-----

Yours for the One Big Union,  
Steve Ongerth x344543, IWW Web Site Administrator  
HOME - (415) 391-1154 || CELL - (510) 459-6586

Join the One Big Union - <http://www.iww.org/>  
Have labor news, announcements, or events? Post them at <http://media.iww.org/>

-----\_6019455==\_.ALT  
Content-Type: text/html; charset="us-ascii"

<html>  
The following article was published in the Los Angeles Times on Monday, July 07, <br> 2003:<br> -----<br> Lobbyist's Guerrilla Tactics Get Attention<br> by Peter Nicholas, LA Times Staff Writer <br><br> SACRAMENTO -- For lobbyists in this state capital, the rules are pretty <br> straightforward: befriend legislators; be discreet; don't embarrass the