

229

HJ

HB

459

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HB

522

551

HB

459

138

House Judiciary Committee
May 16, 1975

The meeting was called to order at 3:30 by Chairman Gardiner.
All members were present.

HB 105 Hold Harmless

This bill eliminates a present abuse whereby large companies hold their subcontractors responsible for the larger company's negligence in contractual agreements. The Commerce CS eliminated the retroactive date.

page 1, line 26: add the language any agreement that is not principally or primarily a contract of indemnity or insurance.
page 2, line 7: change mortgage to mortgages
page 2, line 8: and financing statements. delete and insurance.
delete page 1, lines 23 and 24 (b)
delete page 2, lines 9 and 10.

The above amendments passed and the Judiciary CS for HB 105 was moved out of committee.

SB 113 Health Care information

The prepared Judiciary CS was reviewed and reported out of committee.

SB 158 Larceny

This bill reflects an increase in the dollar amount between misdemeanors and felonies to keep up with inflation. The bill was passed out of committee.

HB 391 Contractor's names

The committee agreed to ask for a summary of terms of the contract instead of "terms". On line 12 "at least annually" was deleted and replaced with "before October 1" and that the reports would commence in 1975.
Page 1, line 25 add "vendors"
The committee requested a letter of intent stating that the cost of printing and distribution should be kept to a minimum with copies available for public inspection, possibly in public libraries.

The bill was passed out of committee as a Judiciary CS.

HB 459 Fathers leave

Susan Sullivan, sponsor of the bill, stated that she intended that new fathers should have the same rights as new mothers. She expected that most people would take about two weeks only. The proposed Judiciary CS stated that this leave could be charged to medical only. She objected first because some offices might interpret this to disallow even annual leave. She suggested that medical leave be used first. She also raised the question of adoptive parents.

House Judiciary Committee
May 16, 1975

page 2

The committee agreed that after two weeks were taken, a man should be able to extend his leave for medical reasons. Line 13 in the old bill stating which leave could be used would be put into the CS and lines 11 and 12 of the proposed CS deleted.

The Judiciary CS was passed out of committee.

HB 298 Security

Miles Scholsberg, Director, Division of Banking, stated that this bill would expand the definition of securities in order to close loopholes in enforcement of securities law - to prevent fraud by providing a deterrent. Included under the definitions of securities are pyramid sales (chain letters), commodities option contracts, health clubs (charter members). Lines 21 - 25 leave the option for possible exemptions for such companies as Avon and Fuller Brush. Mr. Brown moved on page 1, line 22: add: after consultation with the Attorney General. This amendment passed. The Commerce committee amendments were adopted except in line 4 delete /.

The Judiciary CS was passed out of committee.

SB 153 Sound Recordings

Senator Chance, sponsor of the bill, stated that the language "federally copyrighted" was inserted on the floor last session and made the bill worthless. SB 153 deletes this language and defines "owner." The copyright law for recordings became effective in 1972 but was not retroactive. This bill is designed to prevent pirates and sound alike recordings. The committee passed SB 153.

MEMORANDUM

P.S. We eliminated "(e)" in
HB 459 as unnecessary in
view of the CS.

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

POUCH Y—STATE CAPITOL
JUNEAU, ALASKA 99811

TO: Rep. Gardiner

DATE: 5/8

FROM: Joel Bennett

SUBJECT: CS HB459

You should be alerted that the CS may conflict with the sex discrimination provisions of Title VII of the Civil Rights Act of 1964. Does the discrimination here have a rational basis? Do you feel that such a disability is a temporary disability unique to the female sex or that the father may need the same amount of time under certain circumstances? Perhaps the justification for 2 weeks time off would justify nine weeks. Additionally, shouldn't the male be able to use ~~annual~~ annual leave + LWOP. What is the basis for not allowing this? If you wish we will do an in-depth analysis of this.



311 NORTH FRANKLIN ST. • JUNEAU, ALASKA 99801 • PHONE 907-586-2334

May 9, 1975

The Honorable Susan Sullivan
Alaska State Legislature
Pouch V, State Capitol
Juneau, Alaska 99811

Dear Representative Sullivan:

House Bill 459 was brought to my attention just recently in a grievance I am handling. The issue I am involved in however, covers an adoptive mother who was apparently not entitled to maternity leave since she did not give birth.

It is my belief that any parent, natural or adoptive, should be entitled to medical leave since the adjustments required in the care of a newborn infant are an emotional and physical drain on all parents. I would like to see your bill amended to include adoptive parents and their newborn infants. An adoptive parent should also be entitled to a medical leave to use in readjusting themselves, their family and the infant to a schedule which would allow the parents to return to full-time employment with a minimum of difficulty.

Your bill fulfills the need in our society to recognize the father's rights and responsibilities in his parental role in raising children. Adoptive parents also need to have their rights defined. At the least, an adoptive mother should be given the right to maternity leave now granted to natural mothers under Alaska law. It does not seem to be in the State's or the state employees' best interests to cause an adoptive mother to resign simply because there is no provision to entitle the right to leave for what can be a very taxing readjustment period for any parent.

I am enclosing a copy of your bill with my proposed amendments to specifically include adoptive parents. Please contact me if you have any questions or need further information.

Sincerely,

Jernie Day Peterson
Director of Field Services

JP/rn

HB

488

COMMITTEE REPORT

5/13/75

HOUSE

Mr. Speaker:

Date 5-17-75

The Committee on JUDICIARY has had HR 488

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR HR 488 AND THAT

CS FOR AB 488 DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>[Signature]</u>	<u>[Signature]</u>	_____
_____	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends: <u>DO NOT PASS</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

[Signature] Chairman

*Changes
in AS
in written in
this bill*

Introduced: 5/7/75
Referred: State Affairs and
Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 HOUSE BILL NO. 488

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to election campaigns; and providing
7 for an effective date."

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

9 * Section 1. AS 15.13.010 is amended to read:

10 Sec. 15.13.010. APPLICABILITY. (a) This chapter applies in every
11 election for governor, lieutenant governor, a member of the state legis-
12 lature, a delegate to a constitutional convention, or judge seeking elec-
13 toral confirmation [OR FOR A MUNICIPAL OFFICE]. It also applies to every
14 candidate for election to a municipal office in a city or borough with
15 a population of more than 1,000 inhabitants according to the latest
16 United States census figures or estimates of population certified as
17 correct for administrative purposes by the Department of Community and
18 Regional Affairs. A municipality may exempt its elected municipal
19 officers [ITSELF] from the requirements of this chapter if a majority of
20 the voters voting on the question at any regular election, as defined by
21 AS 29.78.010(14), or a special municipality-wide election called for
22 that purpose, [A GENERAL ELECTION] vote to exempt its elected municipal
23 officers [THE MUNICIPALITY] from the requirements of this chapter. The
24 question of exemption from the requirements of this chapter may be
25 submitted by the city council or borough assembly by ordinance or by
26 initiative ordinance. Nothing in this chapter prohibits a municipality
27 from regulating by ordinance campaign contributions and expenditures.

28 * Sec. 2. AS 15.13.010 is amended by adding a new subsection to read:

29 (b) Except as otherwise provided, this chapter applies to contri-

1 butions, expenditures and communications made by a candidate, group,
2 municipality or individual for the purpose of influencing the outcome of
3 a ballot proposition or question as well as those made to influence the
4 nomination or election of a candidate.

5 * Sec. 3. AS 15.13.020(a) is amended to read:

6 (a) There is created in the office of the lieutenant governor the
7 Alaska Public Offices [ELECTION CAMPAIGN] Commission consisting of five
8 members.

9 * Sec. 4. AS 15.13.020(c) is amended to read:

10 (c) The four members selected under (b) of this section shall, by
11 a majority vote, appoint the remaining fifth member of the commission.
12 That fifth member, after the expiration of the term of office of the
13 person who is the incumbent fifth member on the effective date of this
14 Act, may not have been registered to vote as a member of either of the
15 political parties represented by the other four members for two years
16 before his appointment.

17 * Sec. 5. AS 15.13.020(d) is repealed and re-enacted to read:

18 (d) Upon selection of the commission's fifth member, the commis-
19 sion's four members selected under (b) of this section shall draw lots
20 to determine the length of their terms of office so that one commission
21 member serves one year, one serves two years, one serves three years and
22 one serves four years. However, the terms of no two commission members
23 who are members of the same political party may expire in consecutive
24 years. The term of office of the fifth member, appointed under (c) of
25 this section, expires in the fifth year. Terms of office of the initial
26 appointees to the commission, including the fifth member, shall date
27 from February 1 before their appointment. After the terms of office of
28 the initial appointees to the commission expire, the term of office of a
29 member of the commission is five years, or until his successor is

1 appointed and qualifies. No commission member may serve more than one
2 term. However, initial appointees to the commission who do not serve a
3 full five-year term and a person appointed to fill the unexpired term of
4 his predecessor may be appointed to a successive full five-year term.

5 * Sec. 6. AS 15.13.020(e) is amended to read:

6 (e) No member of the commission, during tenure, may

7 (1) hold or campaign for elective office;

8 (2) be an officer of a political party, [OR] political commit-
9 tee or group;

10 (3) permit his name to be used, or make any contributions
11 whatsoever, in support of or in opposition to a candidate or proposition
12 or question that appears on any ballot in the state including but not
13 limited to that of a municipality; however, contributions may be made to
14 a candidate for the office of President of the United States;

15 (4) participate in any way in an election campaign or partici-
16 rate in or contribute to any political party; or

17 (5) lobby, employ or assist a lobbyist.

18 * Sec. 7. AS 15.13.020(f) is amended to read:

19 (f) Members of the commission shall receive compensation of \$100 a
20 day while attending commission meetings or participating in authorized
21 commission business and shall be entitled to necessary travel expenses
22 and per diem.

23 * Sec. 8. AS 15.13.020(h) is amended to read:

24 (h) A vacancy [VACANCY] on the commission shall be filled by the
25 appropriate appointing authority [OFFICER] within 30 days of the occur-
26 rence of the vacancy. The appointee shall serve for the remaining term
27 of his predecessor.

28 * Sec. 9. AS 15.13.020(j) is amended to read:

29 (j) The commission shall establish an office, which may be called

1 a regional office, in each senate district in the state to keep on file
2 for public inspection copies of all reports filed with the commission by
3 candidates for statewide office and by candidates for legislative office
4 in that district [AN OFFICE TO RECEIVE REPORTS AND STATEMENTS REQUIRED TO
5 BE FILED WITH IT]; however, where one municipality contains more than one
6 election district, only one commission office shall be established in
7 that municipality. The ~~district or~~ regional office shall make all forms
8 and pertinent material available to candidates. All reports shall be
9 filed by candidates, groups and individuals directly with the commis-
10 sion's central, ~~regional or district~~ office. The commission shall
11 insure that copies of all reports by statewide and legislative candi-
12 dates in each senate district are forwarded promptly to that ~~district or~~
13 regional office. [THE COMMISSION SHALL MAKE EVERY EFFORT TO INSURE THAT
14 ALL REPORTS ARE FORWARDED TO THE CENTRAL OFFICE PROMPTLY.]

15 * Sec. 10. AS 15.13.020 is amended by adding a new subsection to read:

16 (k) The commission shall ensure that copies of reports filed by
17 candidates for municipal office are made available for public inspection
18 in the appropriate municipality.

19 * Sec. 11. AS 15.13.030(2) is amended to read:

20 (2) prepare and publish a manual setting out uniform methods
21 of bookkeeping and reporting for use by persons required to make reports
22 and statements under this chapter and otherwise assist candidates, [AND]
23 groups, and individuals in complying with the requirements of this chapter;

24 * Sec. 12. AS 15.13.030(5) is amended to read:

25 (5) prepare [AND PUBLISH] a summary of each report filed
26 under sec. 110 of this chapter and make copies of this summary available
27 to interested persons at cost;

28 * Sec. 13. AS 15.13.040 is repealed and re-enacted to read:

29 Sec. 15.13.040. CONTRIBUTIONS, EXPENDITURES AND SUPPLYING OF

1 SERVICES TO BE REPORTED. (e) Each candidate shall make a full report,
2 upon a form prescribed by the commission, listing the date and amount
3 of all expenditures made by the candidate, the total amount of all con-
4 tributions, including all funds contributed by the candidate himself,
5 and for all contributions in excess of \$100 in the aggregate ^{per} year, the
6 name, address, principal occupation, and employer of the contributor and
7 the date and amount contributed by each contributor. The report shall be
8 filed in accordance with sec. 110 of this chapter and shall be certified
9 correct by the candidate or campaign treasurer.

10 (b) Each group shall make a full report upon a form prescribed by
11 the commission, listing

12 (1) the name and address of each officer and director;

13 (2) ^{the aggregate} all contributions made to it; and, for all contributions
14 in excess of \$100 in the aggregate ^{per} year, the name, address, principal
15 occupation, and employer of the contributor, and the date and amount
16 contributed by each contributor; and

17 (3) the date and amount of all contributions made by it and
18 all expenditures made, incurred or authorized by it.

19 (c) The report required under (b) of this section shall be filed
20 in accordance with sec. 110 of this chapter and shall be certified as
21 correct by the group's treasurer.

22 (d) Every individual, person or group shall make a full report,
23 upon a form prescribed by the commission, of the following contributions
24 or expenditures:

25 (1) ^{any} a contribution ^{in excess of} ~~of \$100 or more~~ ^{per year} to any group or to any
26 candidate; ~~including all groups that support only one candidate;~~

27 (2) ^{any} a contribution of goods or services valued ^{in excess of} ~~at~~ \$100 ^{per year} or ~~more~~
28 ~~more~~ to any group or candidate, including all groups that support only
29 that candidate; or

1 (3) any expenditure whatsoever for advertising in newspapers,
2 on radio or on television; or, for the publication, distribution or
3 circulation of brochures, flyers, or other campaign material for any
4 candidate or ballot proposition or question.

5 (e) The report required under (d) of this section shall contain
6 the name, address, principal occupation and employer of the individual
7 filing the report, and an itemized list of expenditures. The report
8 shall be filed with the commission by the contributor no later than 10
9 days after the contribution or expenditure is made. A copy of the
10 report shall be furnished to the candidate, campaign treasurer or deputy
11 campaign treasurer at the time the contribution is made.

12 (f) During each year in which an election occurs, all businesses,
13 persons, or groups which furnish any of the following services, facili-
14 ties, or supplies to a candidate or group shall maintain a record of each
15 transaction: newspapers, radio, television, advertising, advertising
16 agency services, accounting, billboards, printing, secretarial, public
17 opinion polls, or research and professional campaign consultation or
18 management, media production or preparation, or computer services. The
19 records shall be maintained on the forms provided and in the manner
20 required by the commission. The supplier shall file a report of the
21 complete record of each transaction with all candidates or groups to
22 whom he provides services, facilities or supplies in accordance with
23 sec. 110 of this chapter. All records shall be available for public
24 inspection.

25 * Sec. 14. AS 15.13 is amended by adding a new section to read:

26 Sec. 15.13.045. INVESTIGATIONS, HEARINGS. (a) The commission may
27 issue subpoenas, administer oaths, hold hearings and conduct investiga-
28 tions.

29 (b) In conjunction with (a) of this section, the commission may

1 compel the attendance of witnesses and production of papers, books,
2 records, accounts, documents, and testimony, and may have the deposition
3 of witnesses taken in a manner prescribed by court rule or law for the
4 taking of depositions in civil actions when consistent with the powers
5 and duties assigned to the commission by this chapter.

6 (c) The commission may examine the papers, books, records, accounts
7 and documents of any person subject to this chapter to ascertain the
8 correctness of a report filed with the commission, or in conjunction with
9 an investigation or inspection conducted under (a) of this section.

10 (d) Subpoenas may be issued and shall be served in the manner
11 prescribed by AS 44.62.430 and court rule. The failure, refusal or
12 neglect to obey a subpoena is punishable as contempt in the manner
13 prescribed by law or court rule. The superior court may compel obedience
14 to the commission's subpoena in the same manner as prescribed for
15 obedience to a subpoena issued by the court.

16 * Sec. 15. AS 15.13.050 is amended to read:

17 Sec. 15.13.050. GROUPS. Each group, before making an expenditure
18 on behalf of, or in opposition to, a candidate or a contribution to a
19 candidate, shall register, on forms provided by the commission, with the
20 commission. If the group intends to support only one candidate, or to
21 contribute to or expend on behalf of one candidate 60 per cent of its
22 funds, the name of the candidate shall be a part of the name of the
23 group. If the group receives over 60 per cent of its contributions from
24 a single source, the name of that source must be a part of the name of
25 the group. Promptly upon receiving the registration, the commission
26 shall notify the candidate of the group's organization and intent.

27 * Sec. 16. AS 15.13.060(b) is amended to read:

28 (b) Each group shall file the name and address of its [THE]
29 campaign treasurer with the commissioner at the time it registers with the

1 commission under sec. 50 of [THE FIRST CONTRIBUTION OR EXPENDITURE REPORT
2 IS REQUIRED TO BE FILED BY THE GROUP UNDER] this chapter.

3 * Sec. 17. AS 15.13.060(c) is amended to read:

4 (c) Each candidate shall file the name and address of the campaign
5 treasurer with the commission no later than ^{7 days} ~~48 hours~~ after the date of
6 filing his declaration of candidacy or his nominating petition. The name
7 of the candidate may be placed on the ballot by the lieutenant governor or
8 municipal clerk only if the candidate has complied with this subsection.

9 * Sec. 18. AS 15.13.060(d) is amended to read:

10 (d) In the case of the death, resignation or removal of a campaign
11 treasurer, the candidate shall appoint a successor as soon as practicable
12 and file his name and address with the commission within 48 hours of the
13 appointment. The candidate shall be [IS] disqualified by the lieutenant
14 governor or municipal clerk if he fails to comply with this subsection.

15 * Sec. 19. AS 15.13.060 is amended by adding a new subsection to read:

16 (f) The candidate is responsible for the performance of his
17 campaign treasurer, and any default or violation by the treasurer also
18 shall be considered a default or violation by the candidate.

19 * Sec. 20. AS 15.13.070(a) is repealed and re-enacted to read:

20 (a) No ~~person~~ or group, including but not limited to all political
21 committees, businesses, corporations, and labor unions, may contribute
22 to or expend on behalf of any candidate, ~~or any group, more than \$1,000~~ ^{in support of the competing candidate}
23 ~~a year.~~ For purposes of this section, an expenditure against a candidate ^{for an}
24 shall be considered an expenditure on behalf of his opponent. Political ^{elect off.}
25 parties and their subdivisions are not subject to the limitation pre-
26 scribed in this subsection, but they are subject to the reporting require-
27 ments prescribed by secs. 40(b) and 110 of this chapter. Nothing in
28 this chapter prohibits

29 (1) a candidate from contributing more than \$1,000 of his own

More than \$1,000 a year

1 money to his own campaign; or

2 (2) individuals or groups, including but not limited to all
3 political committees, businesses, corporations, and labor unions, from
4 contributing to or expending on behalf of a ballot proposition or ques-
5 tion more than \$1,000 a year; however, these contributions and expendi-
6 tures shall be reported in accordance with secs. 40 and 110 of this
7 chapter.

8 * Sec. 21. AS 15.13.070(f) is amended to read:

9 (f) The total amount of expenditures made by a candidate and by
10 all groups operating under his control may not exceed (1) 40 cents times
11 the total population of the state according to the latest United States
12 census figures, or estimates of population certified as correct for
13 administrative purposes by the Department of Community and Regional
14 Affairs, if the candidacy is for governor or lieutenant governor, of
15 which amount no more than 50 [40] per cent may be spent in a primary
16 election campaign and no more than 50 [60] per cent in the general
17 election campaign [, IF THE CANDIDACY IS FOR GOVERNOR AND NO MORE THAN
18 50 PER CENT IN THE PRIMARY ELECTION CAMPAIGN AND NO MORE THAN 50 PER
19 CENT IN THE GENERAL ELECTION IF THE CANDIDACY IS FOR LIEUTENANT GOVER-
20 NOR]; (2) $\frac{1}{2}$ times the total population of the geographical area of the
21 constituency according to the latest United States census figures, or
22 estimates of population certified as correct for administrative purposes
23 by the Department of Community and Regional Affairs, divided by the
24 number of seats in the senate district if the candidacy is for the state
25 senate; (3) \$1 times the total population of the geographical area of
26 the constituency according to the latest United States census figures, or
27 estimates of population certified as correct for administrative
28 purposes by the Department of Community and Regional Affairs, divided by
29 the number of seats in the house district if the candidacy is for the

These expenses shall be charged against the spending limit that applies to the office for which the subsequent report is filed, and shall be included in the first report required under the above filing for office

state house of representatives. The expenditure limitations in this section include expenditures for both a primary and a general election campaign, or for a special election.

- * Sec. 22. AS 15.13.080 is repealed.
- * Sec. 23. AS 15.13.090 is amended to read:

Sec. 15.13.090. IDENTIFICATION OF COMMUNICATION. All advertisements, billboards, handbills, paid-for television and radio announcements and other communications intended to influence the election of a candidate or outcome of a ballot proposition or question shall be clearly [SIGNED OR] identified by the words "paid for by" followed by the name and address of the candidate, group or individual paying for the advertising. In addition, candidates and groups must identify the name of their campaign treasurer [OR CAMPAIGN TREASURER OF THE CANDIDATE OR GROUP ON WHOSE BEHALF THE COMMUNICATION APPEARS].

- * Sec. 24. AS 15.13.100 is repealed and re-enacted to read:

Sec. 15.13.100. EXPENDITURES BEFORE FILING. If a person makes an expenditure or receives a contribution for the purpose of influencing his

nomi **Sec. 15.13.100. Expenditures before filing.** No political campaign expenditure may be made or incurred by a person in an election or by a person or group with his knowledge and on his behalf ^{the} ~~before the date upon~~ ⁱⁿ which he or she files for nomination for the office which the person seeks, except for personal travel expenses ^{or} for opinion surveys or polls. (§ 1 ch 76 SLA 1974) ^{all} in

accordance with sec. 110 of this chapter, and his expenditures shall accrue against the ~~spending limitation that applies to the office for which he subsequently files.~~

- * Sec. 25. AS 15.13.110 is repealed and re-enacted to read:

Sec. 15.13.110. FILING OF REPORTS. (a) Each candidate and group shall make a full report in accordance with sec. 40 of this chapter during the period ending three days before the due date of the report and beginning on the last day covered by the most recent previous report, or

old am

1 if a first report, all contributions received and expenditures made
2 before three days before the due date of the report. The report shall be
3 filed at the following times:

4 (1) 30 days before the election; however, this report is not
5 required if the deadline for filing a nominating petition or declaration
6 of candidacy is within 30 days of the election;

7 (2) one week before the election;

8 (3) ten days after the election; and

9 (4) December 31 of each year for expenditures and contribu-
10 tions received which were not reported that year.

11 (b) Each contribution or expenditure which exceeds \$250 and which
12 is made within one week of the election shall be reported to the commis-
13 sion by date, amount, and contributor or recipient within 24 hours of
14 receipt or expenditure by the candidate or campaign treasurer.

15 (c) The reports of candidates shall be filed with the commission's
16 central, ~~regional or district office~~. All reports required by this
17 chapter shall be kept open to public inspection. Within 30 days after
18 each election, the commission shall prepare a summary of each report
19 which shall be made available to the public at cost upon request. Each
20 summary shall use uniform categories of reporting.

21 (d) Within 30 days after each election, each supplier shall make
22 a full report to the commission in accordance with sec. 40 of this
23 chapter. Within 60 days after each election, the commission shall pre-
24 pare a summary by candidate or group of the transactions and make the
25 summaries public.

26 * Sec. 26. AS 15.13.120(d) is amended to read:

27 (d) A person who believes a violation of this chapter has occurred
28 may file a complaint with the commission. If the commission determines
29 there is substantial reason to believe that a violation has occurred, it

1 shall expeditiously make an investigation, which may [SHALL] also include
2 an investigation of reports and statements filed by the complainant if
3 he is a candidate, of the matter complained of. When, in the judgment
4 of the commission, after affording due notice and an opportunity for a
5 hearing, a person has engaged or is about to engage in any acts or
6 practices which constitute or will constitute a violation of a provision
7 of this chapter, or a regulation or order issued under it, it shall
8 promptly report the information to the attorney general for appropriate
9 action. The commission shall report its determination and recommenda-
10 tion to the person who filed the complaint with the commission within 60
11 days of receiving the complaint unless circumstances require additional
12 time to make an adequate investigation. The finding of the commission
13 may be appealed to the superior [SUPREME] court [BY THE PERSON WHO FILED
14 THE COMPLAINT WITH THE COMMISSION].

15 * Sec. 27. AS 15.13 is amended by adding a new section to read:

16 Sec. 15.13.122. LEGAL COUNSEL. (a) The attorney general is legal
17 counsel for the commission. He shall advise the commission in legal
18 matters arising in the discharge of its duties and represent the commis-
19 sion in actions to which it is a party. If, in the opinion of the
20 commission, the public interest warrants, the commission may request the
21 chief justice of the supreme court to appoint a special prosecutor to
22 represent the commission in a proceeding involving an alleged violation
23 of this chapter and to prosecute that violation.

24 (b) When the public interest warrants, the commission may employ
25 temporary legal counsel from time to time in matters in which the
26 commission is involved.

27 * Sec. 28. AS 15.13.125 is repealed.

28 * Sec. 29. AS 15.13.130 is amended to read:

29 Sec. 15.13.130. DEFINITIONS. In this chapter,

1 (1) "candidate" means a person who files for election to the
2 state legislature, for governor, for lieutenant governor, [OR] for
3 municipal office, for retention in judicial office, or for constitutional
4 convention delegate, or who campaigns as a write-in candidate for any of
5 these offices;

6 (2) "contribution" means purchase, payment, promise or obliga-
7 tion to pay, loan or loan guarantee, deposit or gift of money, goods or
8 services for which charge is ordinarily made and which is made for the
9 purpose of influencing the nomination or election of a candidate, and in
10 sec. ~~225~~⁰¹⁰ of this chapter for the purpose of influencing a ballot proposi-
11 tion or question, including the payment [,] by a person other than a
12 candidate or political party, or compensation of the personal services of
13 another person which are rendered to the candidate or political party;
14 however, "contribution" does not include

15 (A) services provided without compensation by individuals
16 volunteering a portion or all of ^{of their} their time on behalf of a candidate
17 or ballot proposition or question; ~~it's long~~

18 (B) services provided by an accountant or other person to
19 prepare reports and statements required by this chapter;

20 (C) ordinary hospitality in a home;

21 (3) "group" means every state and regional executive committee
22 of a political party and, in addition, means any combination of two or
23 more persons or individuals acting jointly who take action the major
24 purpose of which is to influence the outcome of an election; a group that
25 makes expenditures or receives contributions [WHOSE MAJOR PURPOSE IS TO
26 INFLUENCE THE NOMINATION OR ELECTION OF A CANDIDATE OR WHOSE EXPENDITURES
27 OR CONTRIBUTIONS ARE MADE] with the authorization or consent, express or
28 implied, or under the control, direct or indirect, of a candidate shall
29 be considered to be controlled by that candidate [OR HIS AGENT]; a group

*but it does include proper services
volunteered by individuals for
which they ordinarily would
be paid either on wage.*

1 whose major [SOLE] purpose is to further the nomination, election, or
2 candidacy of only one person, or intends to expend more than 60 per cent
3 of its money on a single candidate, shall be considered to be controlled
4 by that candidate [PERSON] and its actions done with his knowledge and
5 consent unless, within 10 days from the date the candidate [PERSON]
6 learns of the existence of the group he files with the commission, on a
7 form provided by the commission, an affidavit that the group is operating
8 without his control ^{but however,} a group that contributes more than 60 per cent of
9 its money to or on behalf of one candidate, shall be considered to sup-
10 port only one candidate for purposes of sec. 70 of this chapter, whether
11 or not control of the group has been disclaimed by the candidate [A GROUP
12 ORGANIZED FOR MORE THAN ONE YEAR PRECEDING AN ELECTION AND ENDORSING
13 CANDIDATES FOR MORE THAN ONE OFFICE OR MORE THAN ONE POLITICAL PARTY IS
14 PRESUMED NOT TO BE CONTROLLED BY A CANDIDATE];

15 (4) "expenditure" means a purchase or a transfer of money or
16 anything of value, or promise or agreement to purchase or transfer money
17 or anything of value, incurred or made for purpose of (A) influencing the
18 nomination or election of a candidate or of any individual who files for
19 nomination at a later date and becomes a candidate; or (B) use by a
20 political party; or (C) the payment by a person other than a candidate
21 or political party of compensation for the personal services of another
22 person which are rendered to a candidate or political party; (D)
23 influencing the outcome of a ballot proposition or question; however,
24 "expenditure" does not include a candidate's filing fee or the cost of
25 preparing reports and statements required by this chapter;

26 (5) "individual" means a natural person;

27 (6) "municipality" means a home rule or general law borough
28 or city including but not limited to a unified municipality organized
29 under AS 29.68;

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

* Sec. 30. This Act takes effect immediately in accordance with AS 01.10.-
070(c).

ALASKA PUBLIC INTEREST RESEARCH GROUP

P. O. BOX 1093
ANCHORAGE, ALASKA 99510

PHONE 274-6765

May 14, 1975

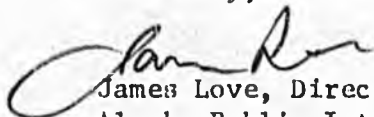
Terry Gardiner
Chairman
House Judiciary
Juneau, Alaska

Dear Terry:

This letter concerns HB 488 which amends the Campaign Disclosure Act passed last year. I have no major objections to any of the proposed changes, and feel that most of the bill is directed at closing loopholes not addressed in the original legislation. My concern is that the legislature not hold this bill over to next session, if at all possible. Most of the confusion during the last election stemmed from the fact that the law was new, the elections commission was operating without regulations and depended heavily on arbitrary decisions made in response to problems which developed while campaigns were progressing. If the legislature waits until next year to act on many of the changes proposed by HB 488, the administration of the act during the 1976 campaigns will suffer. I have discussed this with Mr. Jeff Haitt whom I understand has been in contact with you and your committee. I am sure that he can address these concerns in more detail than I.

In addition to the above concerns, our organization has been reviewing the penalties section of the act (which is largely untouched by HB 488). We have not completed our study, but it appears that serious problems exist with this section of the law. I have already discussed, in general terms, what some of these concerns are and will not detail them at length now. What strikes me about this, is that the elections commission and staff are similarly aware of problems with the penalties section of the law, but have not addressed these problems yet. It appears that legislative tampering with the penalties section (other than those changes proposed in HB 488) is unlikely this year. This being the case, I suggest that your committee give some direction for the elections commission to study this section and report back next year with proposed amendments. In addition, you might consider asking for an Attorney General opinion on several questions which I am attaching. Your interest in this matter is appreciated. Thank you for your help on the land leasing bills. I hope you can travel to Anchorage this year.

Sincerely,



James Love, Director

Alaska Public Interest Research Group

Draft copy of questions for the Attorneys General regarding the Campaign Disclosure Law:

- 1) Is a conviction under AS 15.13.120(a) necessary for an action to be taken under AS 15.13.120 (b)?
- 2) What recommendations or sanctions can the commission take other than an initial administrative ruling that a violation has occurred.
- 3) If a citizen files a complaint under AS 15.13.120 (d), and the commission rules that a violation has occurred, does this require prosecution by the Attorney General?
- 4) Is the original jurisdiction by the Supreme Court on appeals of commission decisions constitutional? How does the Supreme Court appeal on a commission decision affect the role of an appellate court in a criminal trial under AS 15.13.120 (a)?
- 5) Can a citizen require that a candidate's election is voided, under AS 15.13.120 (b)?
- 6) Who decides, in every conceivable case, whether or not a candidate is denied office or removed from office. How is this section enforced?
- 7) Over 40 legislators and the governor and the lieutenant governor all violated the law last year. Is removal from office discretionary and who makes those determinations.

TO: House Judiciary Committee
FROM: Marjorie Gorsuch and Janice Gates, Lobbyists, LWV.
RE: Alaska Public Offices Commission, HB 488
DATE: May 15, 1975

The duties of the Public Offices Commission have been expanded to include the responsibility for administering the provisions of the Conflict of Interest law as well as that of the Campaign Spending Act. Accordingly, a clear presentation of the Commission's role vis a vis these Acts calls for a bill which separates the composition of the Commission from its delineated functions.

The League of Women Voters of Alaska has recommendations concerning both the composition of the Commission and its functions as addressed in HB 488.

(1) COMPOSITION OF THE COMMISSION:

The League is concerned about the lack of assurances that the Commission membership will adequately represent the primary geographical areas within Alaska. To accomplish this objective and to make the Commission membership less dependent on political partisanship, the LWV suggests the following language for Section 15.13.020 (this recommendation was submitted to the House State Affairs Committee on 2/20/75):

The Commission shall consist of five members, four of whom shall be appointed by the Governor in the following manner: The Judicial Council and the Legislative Council shall each submit to the Governor a list of five nominees to serve on the Commission. The Governor shall select two representatives from each list, neither of whom shall be members of the same political party. The four appointees shall select and appoint one nonpartisan member of the Commission. Out of the five appointees, four Judicial Districts shall be represented. All appointees must be confirmed by the Legislature in joint session by a majority of its members. No member of the Commission may be a member of the Legislature.

The term of each member is three years except that for the initial term a Democrat and a Republican will be replaced each year and the nonpartisan member replaced the third year. (i.e., in apportioning the terms of the initial appointees, the Governor shall respect the conditions of membership as specified above). No individual may serve more than two consecutive terms unless there is an intervening term.

In respect to the above proposed language and to the language contained in HB 488 (15.13.020 (c)), the LWV raises the question of the Constitutionality of permitting four Commission members to appoint a fifth member. Article 3, Section 26 of the Alaska State Constitution states:

Boards and Commissions. When a board or commission is at the head of a principal department or a regulatory or quasi-judicial agency, its members shall be appointed by the governor, subject to confirmation by a majority of the members of the legislature in joint session, and may be removed as provided by law. They shall be citizens of the United States. The board or commission may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor.

In view of the altered responsibilities of the Commission since originally formed, the LWV suggests that the Legislature may wish to reconsider the method of compensating members of the Commission (Sec. 15.13.020 (f), 11.20-22, p. 3).

(2) FUNCTIONS OF THE COMMISSION:

(a) HB 488, although spelling out the responsibilities of the Public Offices Commission, neglects to address those duties relating to the Conflict of Interest Law (39.50.020-39.50.200) as delegated in CSSB 62 am. Sections such as 15.13.020 and 15.13.030 should refer not only to "candidates" but to the appropriate appointed officials, State Board members, and others covered by the Conflict of Interest law.

(b) Section 15.13.020 (j): The glaring absence of campaign spending information during the previous election must be corrected. The location of the Commission's regional offices must be well publicized to assure public accessibility. In the opinion of the LWV, adequate public notice must be mandated in the law.

(c) Section 15.13.030 (5): Copies of campaign spending information and of public disclosure information should be available to interested persons for the cost of printing. The LWV has received reports that some State departments charge as high as \$1.00 per page for copying public documents. Such practices refute the accessibility provisions intended in the law.

(d) Section 15.13.070 (a): The LWV questions how line 23 (p. 8) within this section coincides with Section 15.13.130 (3), lines 5-8 (p.14) regarding expenditures on behalf of a candidate.

14 May, 1975
4:15

Terry:

Attached is a copy of HB 488 that I have made a few changes on. Please consider these changes in your session.

p. 2 This language has obvious merit, on the face of it, but I do not think it is a good change. The fifth member of the Commission should be selected from as large a pool as possible. Despite Abramczyk's rantings and ravings, the Commission is not partisan and it seems inconceivable to me that it ever will become partisan. Therefore, the fifth member should be a member of either party, or no party.

p. 4 There is no "district office"; only regional and central offices. Therefore, the noted deletions and addition should be made.

p. 5, line 5. Is "a year" clearly understood to mean "per year"? If so, no change is necessary.

p. 5, lines 26-29. Add "per year" (or, "a year") under (1) and (2). It may be that the language ". . . including all groups that support only that candidate" should be stricken. It seems to me that it is not sufficiently clear. The idea is that "candidate" should mean the person and those groups that support only him. Thus, a person who contributed \$100 to a candidate and \$1 to a group that supported only that candidate would have to make a report directly to the Commission. Perhaps the Commission can deal with this problem in regulations, and this awkward language removed from the bill.

p. 6. Delete. I am not sure what this was intended to mean, but since it doesn't make sense to me now, it should be removed. FLASH. It makes sense if the word "report" is changed to "form". Thus, the candidate has a statutory obligation to provide the form to the contributor when he receives the contribution. ~~Thus~~ With this change, the section makes sense and should remain.

p. 8. Insert the word "individual". We have used individual occasionally in place of person to distinguish between a natural and legal (corporate) person. Use of "individual" here would make the language of the entire set of changes more consistent (although the Commission will interpret person to mean natural person when necessary).

Gordon Garrison

HB

522

COMMITTEE REPORT

1/30/76

HOUSE

Mr. Speaker:

Date Feb 16 1977

The Committee on JUDICIARY has had HB 522

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

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

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

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

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

[Signature] Do Pass
[Signature] _____
[Signature] Pass
[Signature] _____
[Signature] _____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

[Signature] Chairman

STATE OF ALASKA THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

20 May 1976

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

TO : Rep. Bill Parker, Chairman
House Rules Committee

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

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

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

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

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

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

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

Re: Lobbyist #4522
from Jeff Hat
Wilda Hudson

STATUTORY BASIS:

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

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

SPECIFIC OBJECTIVES:

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

BRU _____ BRU CODE _____ REVISED _____

1 DEFINITION STATEMENT

2 Analytic Statement

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

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

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

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

2. Number of Reports - A) Initial Registration

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

B) Reporting forms for receipts and expenditures

1) Reporting schedule

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

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

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

BRU _____ BRU CODE _____ REVISED _____



Explanation

SUMMARY OF REQUESTED FUNDING

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

BRU _____ BRU CODE _____ REVISED _____



EXPLANATION



13 Request for New Position

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

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

EXPLANATION:

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

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

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

BRU _____ BRU CODE _____ REVISED _____

13 PERSONAL SERVICES
REQUEST FOR NEW POSITION

14-A

Explanation

Members to Juneau for public hearing on regulations

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

BRU _____ BRU CODE _____ REVISED _____

14-A EXPLANATION

Communication Services: Long distance charges in the amount of \$50 per month are anticipated plus \$30 a month base rate

\$960

Printing and Advertising:

Registration Forms - 3,000 2-page forms 8-1/2" x 11"
\$30/page per 1,000 Annual Cost

180

Reporting Forms - 4,000 3 pages each 8-1/2" x 11"
\$30/page per 1,000 Annual Cost

300

Instructions - 4 pages 1,000 copies 8-1/2" x 11"
\$30/page per 1,000 Annual Cost

120

Regulations - 4 pages 1,000 copies 8-1/2" x 11"
\$30/page per 1,000 Annual Cost

120

Copies of Law - 15 pages 1,000 copies 8-1/2" x 11"
\$30/page per 1,000 Annual Cost

450

Total Printing

\$1,230

BRU _____ BRU CODE _____ REVISED _____

Explanation

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

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

BRU _____ BRU CODE _____ REVISED _____

	EXPLANATION
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Explanation

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

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

BRU _____ BRU CODE _____ REVISED _____

EXPLANATION

16 Commodities

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

EXPLANATION:

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

BRU _____ BRU CODE _____ REVISED _____

16 COMMODITIES

HOUSE VERSION

SENATE VERSION

Original sponsors: Parker, Bradley
Gardiner, et al

Offered: 3/2/76
Referred: Rules

Original sponsors: Parker, Bradley,
Gardiner, et al

Offered: 5/7/76
Referred: Rules

HOUSE BY THE JUDICIARY COMMITTEE

IN THE HOUSE BY THE COMMERCE COMMITTEE

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

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

A BILL

A BILL

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

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

ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

Section 1. AS 24.45.010 - 24.45.150 are repealed.

* Section 1. AS 24.45.010 - 24.45.150 are repealed.

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

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

CHAPTER 45. REGULATION OF LOBBYING

CHAPTER 45. REGULATION OF LOBBYING

[LEGISLATIVE REPRESENTATION].

[LEGISLATIVE REPRESENTATION].

ARTICLE 1. LEGISLATIVE DECLARATION OF PURPOSE.

ARTICLE 1. LEGISLATIVE DECLARATION OF PURPOSE.

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

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members of the legislature, to its committees, and to officials of
executive branch, their opinions on pending legislation or administ
tive actions; and that the people are entitled to know the identity
income, expenditures and activities of those persons who pay, are p
or reimbursed for expenses, or who make expenditures or other payme
in an effort to influence legislative or administrative action.

ARTICLE 2. ADMINISTRATION.

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

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

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

- (1) prescribe the forms for registration, reports, statements, notices and other documents required by this chapter;
- (2) prepare and publish instructions setting out the methods of accounting, bookkeeping and preservation of records required to facilitate compliance with and enforcement of this chapter and explaining the duties of persons subject to the provisions of this chapter; the instructions shall be updated periodically;
- (3) provide assistance to persons in complying with the provisions of this chapter;
- (4) prepare and publish an annual report of its activities, findings and recommendations under this chapter, which shall be made available to the governor, legislature and to the public by February 1 of each calendar year;
- (5) report suspected violations of this chapter to the attorney general;

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

(b) The commission may

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

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

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

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(b) The commission may

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

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

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

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ARTICLE 3. DISCLOSURE: REGISTRATION AND REPORTS.

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

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

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

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

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

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

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

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

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

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

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

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

} Senate deleted this provision.

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

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

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

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

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

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

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

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

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

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

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

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

23 Sec. 24.45.051. REPORTS. Each lobbyist registered under sec.
24 of this chapter shall file with the commission a report concerning
25 activities during each reporting period prescribed in sec. 71 of the
26 chapter, so long as the lobbyist continues to engage in lobbying ac-
27 tivities. The report shall be made on a form prescribed by the commiss-
28 and filed in accordance with secs. 61 and 71 of this chapter. The
29 report also shall include any changes in the information required to
1 supplied under sec. 41(b) of this chapter and the following informat-
2 for the reporting period, as applicable:

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

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

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

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

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

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

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

- 14 (A) food and beverages;
- 15 (B) living accommodations;
- 16 (C) travel;

17 (3) the date and nature of any gift exceeding \$100 in value
18 made to a public official and the full name and official position of
19 that person;

20 (4) the name and official position of each public official
21 and the name of each member of the immediate family of any of these
22 officials, with whom the lobbyist has engaged in an exchange of money,
23 goods, services or anything of more than \$100 in value and the nature
24 date of each of these exchanges and the monetary values exchanged;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11)

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

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

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

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

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

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

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

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

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

28 Sec. 24.45.081. PUBLICATION OF REPORTS. Copies of the statements
29 and reports filed under this chapter shall be made available to the
1 public at the commission's central office, the office of the lieutenant
2 governor, the legislative reference library of the Legislative Affairs
3 Agency, and at the commission's district offices prescribed in AS 15.
4 13.020(j) as soon as practicable after each reporting period.

5 Sec. 24.45.091. PUBLIC RECORDS. Statements and reports filed
6 under this chapter are public records and shall be available for public
7 inspection and copying during normal business hours at the expense of
8 the person requesting copies; however, the charge for copying may not
9 exceed actual cost to the commission.

10 Sec. 24.45.101. PRESERVATION OF RECORDS. (a) A person required
11 to register or report as a lobbyist shall preserve all accounts, bills,
12 receipts, books, papers and documents necessary to substantiate the
13 reports required to be made and filed under this chapter for a period
14 at least one year from the date of the filing of the report containing
15 these items. These accounts, bills, receipts, books, papers and other
16 documents shall be made available for inspection by the commission,
17 members of its staff, at any time. If a lobbyist is required under
18 terms of his employment contract to turn any records over to his employer,
19 responsibility for the preservation of these records under this
20 section rests with the employer.

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

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

ARTICLE 4. ENFORCEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

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

→ Senate deleted this provision.

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

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

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

→ Senate deleted this provision.

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

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

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21 Sec. 24.45.151. EXAMINATION OF STATEMENTS, REPORTS. (a) The
22 commission or its staff shall examine each statement or report filed
23 under this chapter within 10 days after the date it is filed. A person
24 required to file a statement or report under this chapter shall be noti-
25 fied immediately if

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

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

6 (b) The commission shall conduct an investigation, and may there-
7 after conduct a hearing, into an allegation under (a)(2) of this
8 section.

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

21 Sec. 24.45.121. EXAMINATION OF STATEMENTS, REPORTS. (a) The
22 commission or its staff shall examine each statement or report file
23 under this chapter within 10 days after the date it is filed. A pe
24 required to file a statement or report under this chapter shall be
25 fied immediately if

26 (1) it appears that the person has failed to file a stat
27 or report as required by law or that the statement or report filed
28 not conform to the requirements of this chapter; or

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

6 (b) The commission shall conduct an investigation, and may then
7 after conduct a hearing, into an allegation under (a)(2) of this sect

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

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

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

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

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

Senate deleted civil penalties section.

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

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

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

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

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

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

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

ARTICLE 5. GENERAL PROVISIONS.

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

(1) an individual

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

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

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

ARTICLE 5. GENERAL PROVISIONS.

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

(1) an individual

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

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

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

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

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

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

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

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

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

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

Senate added this provision. }

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

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

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

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

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

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