

AMERICAN LEGISLATION COMMITTEE FILES 1903-1904

2988

HSA

SB 137 - SB 174

2988

Legis. Council Bureau
 Secretary of State
 Attorney General

Legis. Council Bureau
 Secretary of State
 Attorney General

(a)
 Following session
 Quarterly

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

235

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

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

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

THE LEGISLATURES

Table 30 LOBBYISTS AS DEFINED IN STATE STATUTES

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

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

Alaska State Legislature

Shandy

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



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

SENATE ADVISORY COUNCIL

MEMORANDUM

TO: Senator Faiks
Alaska State Legislature

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

DATE: March 18, 1983

RE: Lobbying Regulations

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

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

PJ;lal
Attachments

ALABAMA

LOBBYING LAWS

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

WHO is a "Lobbyist"

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

Excludes:

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

WHO Registers

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

WHERE to Register and File Reports

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

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

WHEN to Register

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

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

Registration Fee: None Required.

Contents of Registration Statement

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

WHO Files Reports

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

WHEN to File Reports

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

Lobbyist Disclosure Statement

The reports shall:

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

HOW to Identify a Lobbyist

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

Prohibited Practices

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

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

Penalties

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

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

FLORIDA

LOBBYING LAWS

(Florida Statutes, Sections 11.045 through 11.061)

WHO is a "Lobbyist"

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

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

Excludes:

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

WHO Registers

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

WHERE to Register and File Reports

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

WHEN to Register

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

Registration Fee: None Required.

Contents of Registration Statement

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

WHO Files Reports

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

WHEN to File Reports

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

Lobbyist Disclosure Statement

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

HOW to Identify a Lobbyist

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

Prohibited Practices: None

Penalties

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

LOBBYING LAWS

(Iowa Senate and House Rules Governing Lobbyists)

WHO is a "Lobbyist"

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

A lobbyist is a person who:

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

Excludes:

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

WHO Registers

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

WHERE to Register and File Reports

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

WHEN to Register

Before beginning lobbying activities. In addition:

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

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

Registration Fee: None Required.

Contents of Registration Statement

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

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

WHO Files Reports

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

WHEN to File Reports

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

Lobbyist Disclosure Statement

The donor reports shall include:

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

The reports by Senators and Senate employees shall include:

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

HOW to Identify a Lobbyist

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

Prohibited Practices

No lobbyist shall:

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

Penalties

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

MICHIGAN

LOBBYING LAWS

(Michigan Compiled Laws, Sections 4.401 through 4.410)

WHO is a "Lobbyist"

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

Excludes:

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

WHO Registers

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

WHERE to Register and File Reports

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

WHEN to Register

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

Registration Fee: \$5 (Section 4.409)

Contents of Registration Statement

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

WHO Files Reports

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

WHEN to File Reports

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

Lobbyist Disclosure Statement

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

HOW to Identify a Lobbyist

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

Prohibited Practices

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

Penalties

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

NOTE

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

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

MISSISSIPPI

LOBBYING LAWS

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

WHO is a "Lobbyist"

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

Excludes:

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

WHO Registers

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

WHERE to Register and File Reports

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

WHEN to Register

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

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

Contents of Registration Statement

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

WHO Files Reports

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

WHEN to File Reports

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

Lobbyist Disclosure Statement

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

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

HOW to Identify a Lobbyist

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

Prohibited Practices

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

Penalties

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

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

MISSOURI

LOBBYING LAWS

(Revised Statutes of Missouri, Section 105.470)

WHO is a "Lobbyist"

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

Excludes members of the General Assembly or elected state officers.

WHO Registers

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

WHERE to Register and File Reports

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

WHEN to Register

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

Registration Fee: None Required.

Contents of Registration Statement

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

WHO Files Reports

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

WHEN to File Reports

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

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

Lobbyist Disclosure Statement

The reports shall contain:

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

HOW to Identify a Lobbyist

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

Prohibited Practices: None.

Penalties

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

OREGON

LOBBYING LAWS

(Oregon Revised Statutes, Sections 171.725 through 171.992)

WHO is a "Lobbyist"

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

Excludes:

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

WHO Registers

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

WHERE to Register and File Reports

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

WHEN to Register

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

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

Registration Fee: None Required.

Contents of Registration Statement

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

WHO Files Reports

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

WHEN to File Reports

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

Lobbyist Disclosure Statement

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

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

Excludes:

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

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

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

HOW to Identify a Lobbyist

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

Prohibited Practices

No lobbyist shall:

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

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

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

Penalties

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

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

Penalties

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

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

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

TENNESSEE

LOBBYING LAWS

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

WHO is a "Lobbyist"

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

Excludes:

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

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

WHO Registers

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

WHERE to Register and File Reports

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

WHEN to Register

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

Registration Fee:

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

Contents of Registration Statement

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

WHO Files Reports:

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

WHEN To File Reports

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

Lobbyist Disclosure Statement

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

HOW to Identify a Lobbyist

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

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

Prohibited Practices

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

Penalties

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

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

Authority: AS 24.45.021(b)

AS 24.45.061(b)(3) and (6)
AS 24.45.171(10)(A),(B),(D)
and (E)

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

Authority: AS 24.45.021(b)

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

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

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

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

material which is submitted as part of the record.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LOBBYING REGULATION

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

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

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

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

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

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

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

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

(7) "Lobbyist" means:

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

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

(c) Any public official who lobbies.

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

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

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

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

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

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

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

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

(5) The Governor, Executive Assistant to the Governor, Legal Counsel to the Governor, Secretary of State, Deputy Secretary of State appointed pursuant to ORS 177.040, State Treasurer, Chief Deputy State Treasurer appointed pursuant to ORS 175.060, Attorney General, Deputy Attorney General appointed pursuant to ORS 175.130, Superintendent of Public Lands and Commissioner of the Bureau of Land Management. (1973 c.802 (3); 1974 c.72, 1975 c.747 (2); 1977 c.568 (1a); 1979 c.666 (1); 1981 c.161)

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

(a) The name and address of the lobbyist.

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

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

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limited to 16 hours a calendar quarter - including meals travel & lodging

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

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

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

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

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

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

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

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

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

F ✓

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

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

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

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

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

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

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

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

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

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

Am. Jur. 2d, Sec. 51 Am. Jur. 2d, Lobbying, 5, 11.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(IV) The drafting, consideration, amendment, passage, or ratification of any standard, rule, or rate of any state agency having jurisdiction over the subject matter;

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

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

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

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

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

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

(XI) "Lobbying" does not include duties performed by a person in the legislative department.

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

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

(XIV) "Professional lobbyist" means any person who is engaged by any other person for pay or fee to lobby on behalf of the other person. "Professional lobbyist" does not include a person who is engaged by a person for pay or fee to lobby on behalf of the other person in connection with the person's business.

(XV) "Covered official" means any person who is a member of the general assembly or a committee thereof, or a member of the executive branch of government, or a member of the judicial branch of government, or a member of the legislative department.

(XVI) "State agency" means any agency, department, or office of the executive branch of government, or any agency, department, or office of the legislative department, or any agency, department, or office of the judicial branch of government.

(XVII) "Standard, rule, or rate" means any standard, rule, or rate of any state agency having jurisdiction over the subject matter.

(XVIII) "Special session" means a special session of the general assembly convened for the purpose of transacting business to be transacted at such session.

(XIX) "Subject to the provisions of subparagraph (3.5)" means that the provisions of this subsection (3.5) apply to the activities described in this subsection (3.5) unless otherwise provided.

(XX) "Television station" means any station licensed by the Federal Communications Commission to transmit programming to the general public.

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

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

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

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

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

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

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

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

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

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

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

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

ARRIVED

RETURN TO:

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

MAR 1 1962

APCC-ANCH

(PLEASE PRINT OR TYPE)

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

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

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

1. Lobbyist's Name: Patrick M. Anderson / *Hedland, Fleischer, Friedman* Telephone: 279-5528

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

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

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

Category Expense	Total Amount	Proportionate amount accrued, reimbursed or paid directly by each employer for the period. (Give registered name of Employer and use continuation sheet for additional employers).	
		Employer No. 1 Name:	Employer No. 2 Name:
		Municipality of Anchorage	
Salary, Fee, Retainer	\$6,000.00	\$6,000.00	
Food and Beverage	251.24	251.24	
Living Accommodations	328.60	328.60	
Travel	762.00	762.00	
Office Expense	.00	.00	
Telephone	17.16	17.16	
Secretarial	.00	.00	
Other Expenses (Explain below or reverse)	.00	.00	
Other Compensation (Explain below or reverse)	.00	.00	
TOTAL this period		\$7,359.00	
CUMULATIVE from last report:			
CUMULATIVE TO DATE:		\$7,359.00	

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

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

COMPLETE REVERSE SIDE

LOBBYIST REPORT

RETURN TO:

REVISED

ALASKA PUBLIC OFFICES COMMISSION

Pouch CO

Juneau, Alaska 99811-0222

(907) 465-4864 or 465-4865

4/28/82

EASE PRINT OR TYPE)

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

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

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

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

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

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

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

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

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

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

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

2/25
 MAR - 1 1982
 APOC - JNO

(PLEASE PRINT OR TYPE)

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

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

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

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

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

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

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

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

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

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

COMPLETE REVERSE SIDE

NO. 2
 PERKINS
 2/25

LOBBYIST REPORT

RETURN TO:

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

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

(PLEASE PRINT OR TYPE)

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

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

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

1. Lobbyist's Name Dwight Perkins Telephone 586-2874

Mailing Address 245 Marine Wy. # 7 Juneau, Ak. 99801 Check if New Mailing Address

2. This Report Covers the Period of: (Check ONE Only)
 January February March April May June 1st Qtr. 2nd Qtr. 3rd Qtr. 4th Qtr. Amended 1982

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

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

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

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

COMPLETE REVERSE SIDE

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

(d) A person who knowingly makes a false or misleading report or statement required under this chapter is, upon conviction, punishable by a fine of not more than \$1,000, or by imprisonment for not more than one year, or by both. (§ 2 ch 167 SLA 1976)

Article 5. General Provisions.

Section

161. Exemptions

171. Definitions

1b. Short title

Sec. 24.45.161. Exemptions. (a) This chapter does not apply to

(1) an individual

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

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

(C) an elected or appointed state or municipal public officer or an employee of the state or a municipality acting in his official capacity or within the scope of his employment;

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

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

(b) Nothing in this chapter may be construed as prohibiting or affecting the rendering of professional services in drafting legislative measures or in advising clients and in rendering opinions as to the

construction or effect of proposed or pending legislative or administrative action when these professional services are not otherwise connected with influencing or attempting to influence legislative or administrative action. Nor does anything in this chapter prevent members of the legislature from discussing with constituents the advisability of passing legislation then pending before, or proposed to be presented to, the legislature.

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

(d) An individual exempt from this chapter under (a)(1) of this section may, at his option, register and report under this chapter. (§ 2 ch 167 SLA 1976)

Sec. 24.45.171. Definitions. In this chapter

(1) "administrative action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection or postponement by any state agency of any rule, regulation, order, decision, determination, or any other quasi-legislative or quasi-judicial action or proceeding whether or not governed by the Administrative Procedure Act (AS 44.62);

(2) "agency" means a state department, division, commission, board, office, bureau, institution, corporation, authority, organization, committee, council or board in the executive branch, or independent of the executive branch, of state government;

(3) "gift"

(A) means any payment to the extent that consideration of equal or greater value is not received;

(B) includes but is not limited to:

(i) a loan, loan guarantee, forgiveness of a loan, payment of a loan by a third party, or an enforceable promise to make a payment except when full and adequate consideration is received;

(ii) the purchase of tickets for travel or for entertainment events; and

(iii) the granting of discounts or rebates for goods or services not extended to the public generally;

(C) does not include:

(i) informational or promotional materials, including but not limited to books, reports, pamphlets, calendars or periodicals; however, payments for travel or reimbursement for expenses may not be considered "informational material";

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

STATE OF ALASKA
THE LEGISLATURE

HOUSE OF REPRESENTATIVES
LEGISLATIVE AGENCY
117 415 3811

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

June 2, 1983

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

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

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

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

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

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

Senator Jan Faiks

Page 2

June 2, 1983

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

BGB:ljb

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STATE OF ALASKA
FISCAL NOTE

I. REQUEST

Bill/Resolution No.: SS SB 165
 Title: Racing on Public Highways
 Sponsor: Fischer
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: DOT&PF
 Program Category Affected: _____
 BRIJ, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

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

*Fiscal impact to the Department is not quantifiable.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Harry Keller Phone: 789-0841 Ext. 26
 Division: Standards & Technical Services Division Date: 4/12/83
 Approved by Commissioner: *Gary Seeger* Date: 4/16/83
 Department: DOT & PF

Distribution:

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

SS SB 165
Racing Events on Public Highways
Department Analysis

Presently AS 05.90.001 permits issuance by the Alaska Athletic Commission of permits to hold snow vehicle, automobile, and motorcycle racing events on State highways. Such a permit may be issued only with the concurrence of the Commissioners of Public Safety and Transportation and Public Facilities.

SS SB 165 proposes to amend AS 05.90.001 so as to allow issuance of such a permit for any racing event. While there is some evidence in SB 165 that the intent is to provide for bicycle racing, the language of SS SB 165 would allow for human foot races, animal races, "go-cart" races, and any other type of speed contest which could be staged upon a public right-of-way. The major impact of this proposal, if it were enacted, would be to increase the number of racing events allowable on the public ways. This increase in racing events would also increase the number of incidents wherein the traveling public would have less than full use of the public highway for normal transportation functions.

AS 19.05.030 sets forth the duties of the Department in terms of planning, programming, design, construction, maintenance and operation. The Alaska Supreme Court has further defined those duties as follows:

"The duty to maintain a highway safe for travel includes ...a duty of warning the travelling public of any other condition which endangers travel...caused by...the act of third persons." (Racers)

17 AAC 20.020 permits the Department to close or restrict any highway for the protection of the public and requires traffic guidance and/or suitable detours be provided "...as soon as possible to minimize traffic delay."

The interaction of these requirements to provide a safe efficient public way for normal transportation operations is reasonable in light of the large public investment in highways and the need to maintain safe, efficient, transportation for the economic well being of the State.

Enactment of SS SB 165 would minimally increase the operations costs of the Department by increasing the number of times temporary warning and directional devices would be needed to safely and efficiently direct traffic through or around a section of highway where races were being held. The larger cost to the State is not readily quantifiable. These costs are those related to increased user cost associated with detours and

potential tort claims against the State in the event of damage or injury caused by restricting use of the section of highway.

As indicated previously, SS SB 165 increases the exposure by permitting more racing contests on State highways than are now permitted. The existing statutes already inhibit public use of the public ways for motor vehicle racing and further restriction of general public use of public ways does not appear to be in the best interest of the State. There are not too many organizations which are financially able to sponsor snow vehicle, automobile and/or motorcycle races so the demand for use of State highways for such racing is minimal. However, a number of organizations are capable of sponsoring human foot races, bicycle races, "go-cart" races, etc., which could lead to substantially increasing pressure to use State highways for racing participants and observers to the detriment of the traveling public.

We therefore recommend against enactment of SS SB 165. Further, considering the increasing demand being placed upon our transportation facilities we suggest that repeal of AS 05.90.001 may be appropriate.

CSSS SB 165 am
Racing Events on Public Highways
Department Analysis

Presently AS 05.90.001 allows issuance by the Alaska Athletic Commission of permits to hold snow vehicle, automobile, and motor-cycle racing events on State highways. Such a permit may be issued only with the concurrence of the Commissioners of Public Safety and Transportation and Public Facilities.

CSSS SB 165 am proposes to amend AS 05.90.001 so as to allow issuance of such a permit by the Department of Public Safety for any racing event. While there is some evidence in the original SB 165 that the intent is to provide for bicycle racing, the language of CSSS SB 165 am would allow for human foot races, animal races, "go-cart" races, and any other type of speed contest which could be staged upon a public right-of-way. The major impact of this proposal, if it were enacted, might be to increase the number of racing events allowable on the public ways. This increase in racing events could also increase the number of incidents wherein the traveling public would have less than full use of the public highway for normal transportation functions.

AS 19.05.030 sets forth the duties of the Department in terms of planning, programming, design, construction, maintenance and operation. The Alaska Supreme Court has further defined those duties as follows:

"The duty to maintain a highway safe for travel includes ...a duty of warning the traveling public of any other condition which endangers travel...caused by...the act of third persons." (Racers)

17 AAC 20.020 permits the Department to close or restrict any highway for the protection of the public and requires traffic guidance and/or suitable detours be provided "...as soon as possible to minimize traffic delay."

The interaction of these requirements to provide a safe efficient public way for normal transportation operations is reasonable in light of the large public investment in highways and the need to maintain safe efficient transportation for the economic well being of the State.

Enactment of CSSS SB 165 am could minimally increase the operation costs of the Department by increasing the number of times temporary warning and directional devices would be needed to safely and efficiently direct traffic through or around a section of highway where races were being held. Other potential costs to the State are not readily quantifiable. These costs are those related to increased user

cost associated with detours and potential tort claims against the State in the event of damage or injury caused by restricting use of the section of highway.

The committee may want to consider including a provision in the bill that alternate routing of traffic must be available before a racing event can be held.

The wording of the proposed legislation does require consistency with Federal laws and regulations. It should be noted that the code of Federal Regulations, Title 23, part 1.23 Rights-of-Way (copy attached) have certain restrictions on the use of Federally funded rights-of-way for other than exclusive highway purposes. The Department of Public Safety, which would grant permission of these racing events under this bill should be cognizant of these restrictions, since most highways in this State were Federally funded. Also, by Federal Highway Administration order, that organization must be notified whenever a Federal-aid highway is closed for more than six hours for any reason.

We feel that this bill could increase the State's exposure to tort claims if permission to use State highways for racing events is not granted judiciously.

The committee may want to consider requiring a bond of appropriate value from the requesting organization depending on whether restriction or closure of a State highway is required.

the services of well-qualified and adequately equipped engineering organizations of the affected railroad les for railway-highway cross-projects and of the affected utility les for projects involving util-illations.

Private engineering organization. Private engineering organization may be utilized on projects in accordance with requirements prescribed by the Administrator.

Responsibility of the State highway department. The State highway department is not relieved of its responsibilities under Federal law and regulations in this part in the utilization of the services of any engineering organization under paragraph (b), (c) or (d) of this section.

Rights-of-way.

Interest to be acquired. The State shall acquire rights-of-way of such width and extent as are adequate for construction, operation and maintenance of a project.

Use for highway purposes. Except as provided under paragraph (c) of this section, all real property, including airspace, within the right-of-way of a project shall be devoted exclusively to public highway purposes. No project shall be accepted as a State project until this requirement has been satisfied. The State highway department shall be responsible for preparing such right-of-way free of all public and private installations, facilities or encroachments, except (1) those approved under paragraph (c) of this section; (2) those which the Administrator approves as constituting a part of a highway or as necessary for construction, use or maintenance for highway purposes and (3) informational sites established and maintained in accordance with § 1.35 of this section.

Other use or occupancy. Subject to Title 23 U.S.C. 111, the temporary or permanent occupancy or use of right-of-way including air space, for nonhighway purposes and the reservation of surface mineral rights within the boundaries of the rights-of-way of Federal-aid highways, may be approved by the Administrator, if he determines that such occupancy, use or

reservation is in the public interest and will not impair the highway or interfere with the free and safe flow of traffic thereon.

§ 1.27 Maintenance.

The responsibility imposed upon the State highway department, pursuant to 23 U.S.C. 116, for the maintenance of projects shall be carried out in accordance with policies and procedures issued by the Administrator. The State highway department may provide for such maintenance by formal agreement with any adequately equipped county, municipality or other governmental instrumentality, but such an agreement shall not relieve the State highway department of its responsibility for such maintenance.

§ 1.28 Diversion of highway revenues.

(a) *Reduction in apportionment.* If the Secretary shall find that any State has diverted funds contrary to 23 U.S.C. 128, he shall take such action as he may deem necessary to comply with said provision of law by reducing the first Federal-aid apportionment of primary, secondary and urban funds made to the State after the date of such finding. In any such reduction, each of these funds shall be reduced in the same proportion.

(b) *Furnishing of information.* The Administrator may require any State to submit to him such information as he may deem necessary to assist the Secretary in carrying out the provisions of 23 U.S.C. 128 and paragraph (a) of this section.

§ 1.31 Payments.

States may submit requests for payments of Federal funds claimed to be due on account of a project. Such requests shall be in the form of vouchers as prescribed by the Administrator, and shall be certified and accompanied with such supporting data as the Administrator may require. Such vouchers may be submitted from time to time as the work progresses and shall be submitted promptly after completion of the project to which the vouchers pertain.

§ 1.32 Issuance of directives

(a) The Administrator shall designate and require the observance of policies and procedures, and take other action as he deems necessary or necessary for carrying out the provisions and purposes of Title 23 of the policies of the Federal Highway Administration, and the regulations in this part.

(b) The Administrator shall designate representative, as authorized to issue the following directives:

(1) Federal Highway Administration Regulations are issued by the Administrator or his delegate, authorized to implement and carry out the provisions of title 23, United States Code, relating to the administration of Federal aid for highways, direct programs and State and safety programs; and title 23, United States Code, relating to motor vehicle safety; and other applicable programs under his jurisdiction.

(2) Notices are temporary orders transmitting one-time or continuing instructions or information expected to remain in effect for a period of more than 90 days or for a period of time normally not exceeding one year.

(3) Orders are directives of longlasting policy, instructing the States in procedures. FHWA Orders are used primarily as internal directives.

(4) Joint Interagency Orders are used by FHWA and the National Highway Traffic Safety Administration (NHTSA) to issue policies, procedures, and information relating to the joint administration of the State and Community Development Safety Program. Where other joint directives may be issued with other modal administrations within the Department of Transportation.

(5) Manuals are generally issued for use in issuing permanent or longlasting detailed policy and procedure. Some of the major manuals required by the FHWA Directives are as follows:

(i) The Federal-Aid Highway Program Manual has been estab-

The (agency's name) _____ will sponsor this race, and as sponsors will have liability insurance coverage in effect at the time of the event for all participants in the amount of \$ _____.

This event, to be known as _____ (name of race or contest) is scheduled to occur between _____, Alaska and _____, Alaska (route map attached) on the date of _____, 198 _____.

The sponsors will provide road guards, flagmen, signs, and barricades for any and all road crossings along the route of snowmachine travel.

All snowmachines will be properly registered in compliance with State statutes AS 05.30.020 through AS 05.30.080.

The crossings of all roads and bridges shall be at a maximum speed of 15 miles per hour.

All crossings will be so located as to provide adequate sight distance for motorists using the roadway.

At road crossings, all caution and safety signs intended to regulate traffic flow and insure maximum safety shall provide the following information (BE PREPARED TO STOP, CW20-8, 36" by 36", located 1000 feet from each side of crossing point). Two flagmen with orange vests and stop-go paddles are provided, one for each direction of travel.

Sign stating flagman ahead, 500 feet, size CW20-7, 36" by 36", shall be located 500 feet each side of crossing point. These signs and placement shall conform to the Alaska Traffic Manual. If, at any time, either the Department of Transportation and Public Facilities or the Department of Public Safety feel that the race is endangering the traveling public, the race will be suspended.

No night (hours of darkness) crossings will be authorized.

No parking within 500 feet of any snowmachine crossing point.

The motor mushers will file a bond with the State for any necessary cleanup as a result of this race.

Other Special Requirements:

By signing below the applicant agrees to perform all the conditions of this permit and shall indemnify and save harmless the State, its officers and employees from all liability, judgement, cost, expenses and claims growing out of damages or alleged damages, of any nature whatsoever to any person or property arising out of performance or nonperformance of the permit.

Authorized Representative

Director of Alaska State Troopers

Authorized Representative

Date

APPROVAL

Commissioner, Dept. of Transportation/Public Facilities

Date

Commissioner, Department of Public Safety

Date

Commissioner of Athletics

Date

INTERIM OFFICE:
1024 WEST SIXTH AVENUE
ANCHORAGE, ALASKA 99501
(907) 274-2843

IN SESSION:
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4963

Alaska State Legislature



Representative Mitch Abood
CHAIRMAN

House Committee on State Affairs

AGENDA

DATE: 5/16/83

TIME: 1:00 P.M., ROOM 102

- I. CALL THE MEETING TO ORDER
 - A. NOTE THE COMMITTEE MEMBERS PRESENT AND WELCOME THOSE OBSERVING THE MEETING.
 - B. REMIND THOSE WHO HAVE NOT SIGNED-IN TO DO WHO WISH TO TESTIFY, AND REMIND THOSE GIVING TESTIMONY TO SPEAK UP AND STATE THEIR NAME, ADDRESS AND PHONE NUMBER BEFORE TALKING.

II. ANNOUNCE LEGISLATION UNDER CONSIDERATION:

CSSB 165 AN ACT RELATING TO RACING EVENTS ON PUBLIC HWYS.

HB 374 AN ACT RELATING TO THE ESTABLISHMENT OF A MAXIMUM SECURITY PRISON FACILITY AT ANDERSON AND PALMER/SUTTON

HJR 39 PROPOSING AMENDMENTS TO THE CONST. OF THE STATE OF ALASKA CREATING AN APPROPRIATION RESERVE FUND

OTHER NOTES OR REMINDERS:

HEAR NEIL'S BILL HJR 39 LAST. HE HAS TO BE SOMEWHERE ELSE AT 1:00.

Senator Vic Fischer

Alaska State Legislature
Pouch V • Juneau, Alaska 99811 • (907) 465-4954



May 5, 1983

To: Representative Bette Carr, Chair
House Transportation Committee

From: Senator Vic Fischer

Re: SS SB 165

SS SB 165 is currently before the House Transportation Committee. Following is a brief history of the evolution of SB 165 along with other considerations addressed by this legislation.

- * Current regulations (13 AAC 02.400 (h) forbid bicycle racing events on state highways unless they are permitted under AS 05.90.001.
- * Apparently by oversight, AS 05.90.001, gives authority to issue permits for special racing events along state highways only to snow machines, automobiles, and motorcycles.
- * SB 165 amended AS 05.90.001 to include bicycles.
- * Prior to the first committee hearing on SB 165 it became apparent that simply including bicycles under AS 05.90.001 failed to address the inevitability that permits would be sought for racing events involving vehicles other than those authorized (foot races, bathtub races, roller skating races, etc.).
- * SS SB 165 was introduced amending AS 05.90.001 so that permits can be issued for any special racing event of limited duration along state highways within limits set by provisions for public safety and compliance with federal laws.
- * SS SB 165 was amended in the Rules committee and on the floor of the Senate to require the Department of Public Safety rather than the Athletic Commission to issue permits for special racing events. The Senate felt the troopers were a more appropriate agency to grant and administer permits. A requirement that permits only be issued with the concurrence of the Commissioner of DOTPF and provisions for hearings under the Administrative Procedures Act for persons denied permits were also deleted by floor amendment.
- * The Senate clearly concurred that permits for special racing events along state highways should be made more available to the general public and that the process for obtaining those permits should be made easier.

Under current law, no state agency has clear authority to grant permission to conduct racing events along state highways except ones involving motorcycles, automobiles, and snowmachines.

In the absence of that authority, general statutes governing the use of highways apply. These statutes (AS 28.35.140) and regulations (13AAC 02.175(d)&(e)) specifically forbid pedestrians and others from obstructing traffic or being on or along a state highway. Without SB 165, footracers, cross-country skiers, dog-mushers, etc. cannot legally conduct racing events on or along state highways.

Particularly in Alaska, where transportation corridors are at a premium, the need for the public to occasionally use state highways for racing events is apparent. SB 165 is a vehicle for streamling the process of obtaining permits in a manner consistent with public safety.

/gb

SB 165

SENATE JOURNAL - PAGE 339- 4 3/ 8/83

SENATE BILL NO. 165 by Senator Vic Fischer, entitled:

"An Act relating to bicycle racing on public highways."

was read the first time and referred to the Transportation Committee.

SB 165

SENATE JOURNAL - PAGE 458- 1 3/22/83

<SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165> by Senator Vic Fischer, entitled:

"An Act relating to racing events on public highways."

was read the first time and referred to the Transportation Committee.

SB 165

SENATE JOURNAL - PAGE 495- 2 3/25/83

The Transportation Committee considered <SPONSOR SUBSTITUTE> <FOR SENATE BILL NO. 165> (racing events on public highways) and a majority of the committee recommended do pass. The report was signed by Senator Moss, Chairman and concurred in by Senators Faiks and Kerttula. Senator Gilman signed "no recommendation".

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 was referred to the Rules Committee.

SB 165

SENATE JOURNAL - PAGE 592- 1 4/ 6/83

The Rules Committee considered <SPONSOR SUBSTITUTE FOR SENATE> <BILL NO. 165> (racing events on public highways) and a majority of the committee recommended it be placed on the April 6 calendar. The report was signed by Senator Faiks, Chairman and concurred in by Senators Kelly and Ferguson.

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 appears on today's calendar.

SB 165

SENATE JOURNAL - PAGE 339- 4 3/ 8/83

SENATE BILL NO. 165 by Senator Vic Fischer, entitled:

"An Act relating to bicycle racing on public highways."

was read the first time and referred to the Transportation Committee.

SB 165

SENATE JOURNAL - PAGE 458- 1 3/22/83

<SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165> by Senator Vic Fischer, entitled:

"An Act relating to racing events on public highways."

was read the first time and referred to the Transportation Committee.

SB 165

SENATE JOURNAL - PAGE 495- 2 3/25/83

The Transportation Committee considered <SPONSOR SUBSTITUTE> <FOR SENATE BILL NO. 165> (racing events on public highways) and a majority of the committee recommended do pass. The report was signed by Senator Moss, Chairman and concurred in by Senators Faiks and Kerttula. Senator Gilman signed "no recommendation".

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 was referred to the Rules Committee.

SB 165

SENATE JOURNAL - PAGE 592- 1 4/ 6/83

The Rules Committee considered <SPONSO SUBSTITUTE FOR SENATE> <BILL NO. 165> (racing events on public highways) and a majority of the committee recommended it be placed on the April 6 calendar. The report was signed by Senator Faiks, Chairman and concurred in by Senators Kelly and Ferguson.

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 appears on today's calendar.

(SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165) (racing events on public highways) was read the second time.

Senator Ray moved and asked unanimous consent that SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 be considered engrossed, advanced to third reading and placed on final passage. Without objection, it was so ordered.

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 was read the third time.

The question being: "Shall SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 (racing events on public highways) pass the Senate?" The roll was taken with the following result:

SS SB 165 3RD

Yeas: . 15 Bennett, Eliason, Fahrenkamp,
Faiks, Ferguson, Fischer Paul,
Fischer Vic, Josephson, Keritula,
Moss, Mulcahy, Ray, Sackett,
Sturgulewski, Ziegler

Nays: 5 Gilman, Halford, Kelly, Pettyjohn,
Rodey

and so, SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 passed the Senate.

Senator Rodey gave notice of reconsideration on SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165.

Senator Rodey requested that the reconsideration of (SPONSOR) (SUBSTITUTE FOR SENATE BILL NO. 165) (racing events on public highways) be taken up at this time.

SENATE BILLS IN THIRD READING

SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 was before the Senate on reconsideration.

Senator Rodey moved and asked unanimous consent that SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165 be held one day. Without objection, it was so ordered.

Senator Vic Fischer moved and asked unanimous consent that (SPONSOR SUBSTITUTE FOR SENATE BILL NO. 165) (racing events on public highways) be returned to the Rules Committee. Without objection, it was so ordered.

ALASKA STATE LEGISLATURE

SENATE STATE AFFAIRS COMMITTEE

SENATOR VIC FISCHER, CHAIRMAN

POUCH V, JUNEAU 99811

(907) 465-4954



TO: Senator Pappy Moss, Chair
Senate Transportation Committee

FROM: Senator Vic Fischer

DATE: March 12, 1983

RE: Explanation of SB 165.

Senate Bill 165 amends AS 05.90.001 to include bicycles among vehicles authorized to seek permits for the athletic commission for racing events of limited duration on state highways.

AS 05.90.001 provides authority to grant special permits, consistent with federal law and regulations, for racing events on state highways involving snow vehicles, automobiles and motorcycles. AS 05.90.001 (b) specifically, authorizes the athletic commission to grant these permits and sets out application procedures and methods to appeal denial of a permit from the commission.

Recently, bicycle enthusiasts have sought permits to conduct races along state highways for community fundraising events and other public purposes. Because AS 05.90.001 does not mention bicycles, the athletic commission cannot grant permits which they have no authority to consider.

AS 05.90.001 clearly establishes the legislature's intent to provide special authorization for "unconventional" use of state highways involving specified vehicles. It appears bicycles were left out as an oversight, rather than any intention on the part of the legislature to exclude them.

In order to provide authorization for bicycle events this summer, it is necessary to pass SB 165 as soon as possible. Your earliest consideration on this bill would be much appreciated.

cc: Senator Jalmar Kerttula

3-17-1983

Representative Terry Martin
State Capitol Building
Pouch V
Juneau, Alaska - 99811

Re: Legislative efforts to develop a permitting procedure for bicycle races.

Dear Mr. Martin:

I am working on behalf of the bicycle racing community to help modify certain Alaska Statutes so that we may be able to develop a permitting procedure for bicycle racing.

Within the past few years an addition has been made to Title 13 of the Alaska Administrative Code which reads as follows:

" (h) No bicycle race may be conducted upon a roadway, except as provided under AS 05.35.
(In effect before 7/28/59; am 12/15/61, Reg. 3;
am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am
6/28/79, Reg. 70) Authority: AS 28.05.011 "

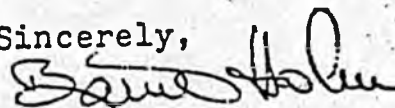
However, Chapter 35 as referred to in the above quotation, through apparent oversight, neglects to mention " bicycles " within Sec. 05.35.010 and Sec. 05.35.020. In the most recent update of the Alaska Statutes AS 05.35 has been renumbered AS 05.90.001. A copy of the relevant part of Title 13 and the current wording of AS 05.90.001 is attached.

I have also included a letter I received from Senator Jay Kerttula, dated 2-23-1983, and a bill which Senator Vic Fisher introduced on our behalf, dated 3-8-1983. In the letter from Senator Kerttula he acknowledges that an oversight was made concerning bicycles when Title 13 was adopted. I had contacted Senator Kerttula in my initial request for legislative help. He forwarded our packet of information to the Senate State Affairs Committee, chaired by Senator Vic Fisher and to the Health, Education, and Social Services Committee, chaired by Senator Joe Josephson for their review. Within a matter of days Senator Vic Fisher had introduced the attached bill.

I have been in touch with aides of both Senators Vic Fischer and Joe Josephson. I have been told that if a similar bill were introduced on the House side, speedier legislative action might result. I am hoping you might be in a position to help us with this legislation. Our racing season gets underway in less than a month. Until the bill passes we have the support of law enforcement officials and the highway department as long as we do all we can to help expedite the legislative process. According to AS 05.90.001 we must obtain permission through a permitting procedure from the athletic commission with the concurrence of the commissioners of highways and public safety. I have contacted the latter two commissioners and their replies are attached. I have written a letter to commission chairman Bob Vogt of the athletic commission, but he will apparently be out of state until later this month. With regard to your efforts in working with Senator Joe Josephson to redefine the responsibilities of the athletic commission, we would certainly be in favor of any legislation which would help streamline our permitting process for bicycle racing.

Please contact me if you have any questions. I look forward to hearing from you.

Sincerely,



Bjarne Holm

P.O. Box 4-2442

Anchorage, Alaska

99509

(b) No person may violate the provisions of secs. 385-420 of this chapter. The parent or guardian of a child may not authorize or knowingly permit a child to violate a provision of this chapter.

(c) When signs are erected indicating that no right, left or U-turn is permitted, no person operating a bicycle may disobey the direction of the sign unless first pulling to the extreme right or shoulder of the road, dismounting and making the turn as a pedestrian. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.390. TRAFFIC LAWS AND REGULATIONS APPLY TO PERSON RIDING BICYCLE. Repealed 6/28/79.

13 AAC 02.395. RIDING ON BICYCLES AND CERTAIN NONMOTORIZED CONVEYANCES. (a) Repealed 6/28/79.

(b) No person operating a bicycle upon a highway may carry a person other than the operator, unless the bicycle is equipped with a seat for the passenger, except that an adult rider may carry a child securely attached to his person in a backpack or sling.

(c) No person operating a bicycle or other nonmotorized conveyance may attach, hold on by hand or otherwise secure the bicycle or conveyance or himself to another vehicle so as to be towed or pulled.

(d) A person operating a bicycle upon a highway shall maintain control of the bicycle and shall at all times keep at least one hand upon the handlebars of the bicycle.

(e) No person may operate a unicycle, coaster, roller skates, or a similar device on a roadway.

(f) This section does not apply upon a roadway closed to motorized vehicle traffic. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.400. RIDING BICYCLES ON ROADWAYS AND BICYCLE PATHS. (a) A person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, and shall give way to the right as far as practicable to a motor vehicle proceeding in the same direction when the driver of the motor vehicle gives audible signal.

(b) Persons riding bicycles on a roadway may not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding bicycles two abreast may not impede traffic and, in a laned roadway, shall ride within the farthest right lane.

(c) When a shoulder of the highway is maintained in good condition, an operator of a bicycle shall use the shoulder of the roadway.

(d) A person operating a bicycle on a trail, path, sidewalk, or sidewalk area shall

(1) exercise care to avoid colliding with other persons or vehicles;

(2) give an audible signal before overtaking and passing a pedestrian; and

(3) yield the right-of-way to any pedestrian.

(e) Repealed 6/28/79.

(f) A person riding a bicycle intending to turn left shall, unless he dismounts and crosses as a pedestrian, comply with the provisions of sec. 200 of this chapter. The operator of a bicycle must give a signal by hand and arm continuously during the last 100 feet traveled unless the hand is needed in the control or operation of the bicycle. When stopped to await an opportunity to turn, a hand and arm signal must be given continuously by the operator.

(g) No person may ride a bicycle upon a sidewalk in a business district or where prohibited by an official traffic-control device.

(h) No bicycle race may be conducted upon a roadway, except as provided under AS 05.35. (In effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

Sec. 05.30.100. Reporting of accidents. The operator of a snow vehicle involved in an accident resulting in injury to, or death of a person, or property damage other than to his snow vehicle the estimated amount of which is \$100 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest state trooper or city police officer. (§ 1 ch 182 SLA 1968)

Collateral references. — Accidents involving negligence in operation of snowmobile, skimobile, or similar vehicle. 42 ALR3d 1422. Liability for injury or death allegedly caused by defect in snowmobile or other recreational-purpose vehicle. 81 ALR3d 394.

Sec. 05.30.110. Penalty. A person who violates a provision of this chapter or a regulation adopted under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$100 for each offense. (§ 1 ch 182 SLA 1968)

Revisor's notes. — The word "adopted" was substituted for "promulgated" by the revisor of statutes pursuant to AS 01.05.031(b). Cross references. — As to sentences for misdemeanors, see AS 12.55.135.

Sec. 05.30.120. Definition. In this chapter "snow vehicle" means a vehicle propelled by mechanical power, supported in part by skis, belts, cleats, or low pressure tires, and primarily designed to travel over ice or snow. (§ 1 ch 182 SLA 1968)

Revisor's notes. — A former paragraph defining "cowling" was transferred and redesignated as AS 05.30.040(b) by the revisor of statutes pursuant to AS 01.05.031(b).

Chapter 90. Miscellaneous Provisions.

Section 01. Racing events

Sec. 05.90.001. Racing events. (a) To the extent that it is consistent with federal law and regulations, snow vehicles, automobiles and motorcycles may be operated on state highways for special racing event of limited duration which are conducted according to (b) of this section.

(b) The athletic commission may issue, and for cause cancel, a permit to conduct a snow vehicle, automobile or motorcycle racing events as provided in this section under terms and conditions and at times and places the commission may determine. If the commission refuses to grant a permit to an applicant, or cancels a permit, the applicant or holder of the cancelled permit may, upon application, have a hearing under the provisions of the Administrative Procedure Act (AS 44.62). No permit may be issued by the commission for the use of

a state highway AS 05.3

Revised from AS was renumbered under AS In re comprised nated t 05.35.010 sions of f (b), sube prearran vided fo (a), and referenc 05.35.02 tion (b).

a state highway without the concurrence of the commissioner of highways and the commissioner of public safety. (§ 2 ch 192 SLA 1970; AS 05.35.010, 05.35.020)

Revisor's notes. — This section derives from AS 05.35.010 and AS 05.35.020 and was renumbered by the revisor of statutes under AS 01.05.031.

In renumbering the provisions comprising this section, the revisor designated the provisions of former AS 05.35.010 as subsection (a) and the provisions of former AS 05.35.020 as subsection (b), substituted "(b) of this section" for "a prearranged schedule under permit as provided for in AS 05.35.020" in subsection (a), and substituted "this section" for a reference to former AS 05.35.010 — 05.35.020 in the first sentence of subsection (b).

Collateral references. — 4 Am. Jur. 2d Amusements and Exhibitions §§ 28, 29-34, 46, 78.

61A C.J.S. Motor Vehicles §§ 571-587.

Zoning regulation forbidding "racing" or a "race track." 83 ALR2d 877.

Liability of participant in unauthorized highway race for injury to person directly caused by other race. ALR3d 431.

Liability of public authority for injury arising out of automobile race conducted on street or highway. 80 ALR3d 1192.



Alaska State Legislature

Senate

Office of the President

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

February 28, 1983

Mr. Bjarne Holm
The Arctic Bicycle Club
P.O. Box 4-2442
Anchorage, AK. 99509

Dear Mr. Holm:

Thank you for your recent letter. It does appear that there has been an oversight made concerning bicycles when Title 13 of the Alaska Administrative Code was adopted. I have forwarded your letter and attached materials to the Senate State Affairs Committee, Chaired by Sen. Vic Fischer; and the Health, Education, and Social Services Committee, chaired by Sen. Joe Josephson for their review and possible action. You may also wish to contact them directly on this matter.

Thank you for contacting me. I hope this matter is corrected to your satisfaction, and your race is a success.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kerttula".

Senator Jay Kerttula
Senate President

JK/jj/jdk

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

OFFICE OF THE COMMISSIONER

POUCH Z
JUNEAU, ALASKA 99811
(TELEX 45-328)

February 8, 1983

Mr. Bjarne Holm
Arctic Bicycle Club
P.O. Box 4-2442
Anchorage, AK 99509

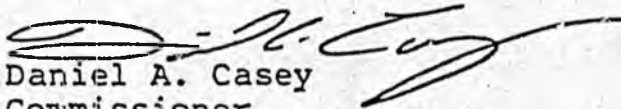
Dear Mr. Holm:

In response to your letter of January 11, 1983 as stipulated in Alaska Statutes Supplement Section 05.35.010, the Athletic Commission has the authority for initial issuance of permits for racing events. If the event occurs on the State highway, the concurrence of the Commissioner, Department of Public Safety must be obtained.

Since the permitting authority rests with the Athletic Commission, the basic requirements should be established by them. However, any vehicle, i.e. bicycle, operated on a State highway must conform to all general and any specific traffic regulations pertaining to that vehicle. Any Department of Transportation and Public Facilities restrictions or requirements would be in keeping with these Alaska Statutes or Administrative Code governing such activities. If these procedures are followed, there should be no problem in obtaining Department concurrence.

Thank you for the opportunity to comment on this matter of mutual concern.

Sincerely,


Daniel A. Casey
Commissioner

DEPARTMENT OF PUBLIC SAFETY
OFFICE OF THE COMMISSIONERPOUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

January 21, 1983

Mr. Bjarne Holm
Arctic Bicycle Club
P.O. Box 4-2442
Anchorage, AK 99509

Dear Mr. Holm:

It sounds as if you and your organization are in the midst of planning for an exciting year. Your first priority should be to ensure that the amendment to the wording of AS 05.90.001, to include bicycles, is accomplished. This will allow you to proceed legally for the proper authorization for the event.

Any future correspondence with reference to the request for authorization to conduct these events should be directed to the following address:

Alaska State Troopers
P.O. Box 6188 Annex
Anchorage, AK 99502
Attn: Director's Office

Your correspondence should include the scheduled date, time, proposed route, insurance coverage, and any other pertinent data. The Director's office will provide the originator of the correspondence with a form listing all the requirements and will be responsible for forwarding the required documents to this office for authorization.

To provide an idea of what this involves, a copy of this particular type of document is attached for your review. This involves snow machine racing so yours would be somewhat different.

As you can see from the enclosed document, approval must be obtained from the Commissioners of Athletics, Transportation and Public Facilities, and Public Safety. I can expedite the application once it is received by my office. However, I would recommend that you allow at least thirty (30) days from the date of application until the final authorization.

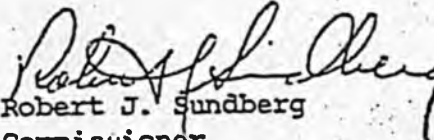
Mr. Bjarne Holm

-2-

January 21, 1983

I do hope that I have been able to assist you in this matter, and if you have any further questions, I will be happy to discuss them with you.

Sincerely,


Robert J. Sundberg
Commissioner

cc: Col. Michael Kolivosky, Director
Alaska State Troopers

Attachment: a/s

The (agency's name) _____ will sponsor this race, and as sponsors will have liability insurance coverage in effect at the time of the event for all participants in the amount of \$ _____.

This event, to be known as _____ (name of race or contest) is scheduled to occur between _____, Alaska and _____, Alaska (route map attached) on the date of _____, 198_____.

The sponsors will provide road guards, flagmen, signs, and barricades for any and all road crossings along the route of snowmachine travel.

All snowmachines will be properly registered in compliance with State statutes AS 05.30.020 through AS 05.30.080.

The crossings of all roads and bridges shall be at a maximum speed of 15 miles per hour.

All crossings will be so located as to provide adequate sight distance for motorists using the roadway.

At road crossings, all caution and safety signs intended to regulate traffic flow and insure maximum safety shall provide the following information (BE PREPARED TO STOP, CW20-8, 36" by 36", located 1000 feet from each side of crossing point). Two flagmen with orange vests and stop-go paddles are provided, one for each direction of travel.

Sign stating flagman ahead, 500 feet, size CW20-7, 36" by 36", shall be located 500 feet each side of crossing point. These signs and placement shall conform to the Alaska Traffic Manual. If, at any time, either the Department of Transportation and Public Facilities or the Department of Public Safety feel that the race is endangering the traveling public, the race will be suspended.

No night (hours of darkness) crossings will be authorized.

No parking within 500 feet of any snowmachine crossing point.

The motor mushers will file a bond with the State for any necessary cleanup as a result of this race.

Other Special Requirements:

By signing below the applicant agrees to perform all the conditions of this permit and shall indemnify and save harmless the State, its officers and employees from all liability, judgement, cost, expenses and claims growing out of damages or alleged damages, of any nature whatsoever to any person or property arising out of performance or nonperformance of the permit.

Authorized Representative . Director of Alaska State Troopers

Authorized Representative Date

APPROVAL

Commissioner, Dept. of Transportation/Public Facilities Date

Commissioner, Department of Public Safety Date

Commissioner of Athletics Date

S

B

1741

Bill No. Sponsor Substitute for Senate Bill 174

Date May 4, 1983

Title "An Act relating to employment preferences for state residents; and providing for an effective date."

Contact: Judy Knight
465-2700

Bob Bacclas
465-4780

During the years when the Trans-Alaska Pipeline was being built, the department maintained an effective resident hire program, both within the construction of the pipeline and public construction contracts. A resident hire unit for enforcement of Title 36 was located within the Wage and Hour Administration, which was staffed with 12 employees, eight professional and four clerical support. Their activities were supportive of the activities of the three staff members assigned to public construction enforcement. Many newcomers finding it difficult to obtain oilfield work turned to traditional construction activities for employment. The resident requirements for "pipeline" employment were substantially more stringent than those for public construction. The result was that employers hiring for public construction and the Title 36 enforcement unit could rely on the activities of the "pipeline" enforcement unit for much of the leg-work required to verify residency. It was a simple matter to check for the "resident card" required under Title 38.


In 1978 the Supreme Court in the matter of Hicklin v. Orbeck, overturned the residency aspect of Title 38. Subsequently, in the budget process all twelve "pipeline" positions were deleted and the entire staff was laid off. Consequently, since 1978 the department has not had any positions funded for enforcement of resident hire.

The Department recently completed a survey to determine the wages paid to non-residents that should have been paid to residents on public construction. Based on this survey we projected the figures for the entire fiscal year ending June 30, 1983. To arrive at the dollar value of wages lost by displaced residents we used a 40 hour work week and a base level wage, plus benefits, for the lowest paid job class subject to our wage surveys. Therefore, the actual dollar value of wages lost to residents in FY 83 would be more than the figure estimated from certified payrolls.

Number of displaced residents:	3767
Estimated value of lost wages:	\$3,394,160.00

The Department supports this legislation which addresses resident preference in light of recent court decisions. This bill, coupled with the necessary staff resources to enforce resident preference, will do much to increase employment opportunities for Alaskan residents.

Approved:


Commissioner

POSITION PAPER/Department of Labor

I. REQUEST

Bill/Resolution No. SS for SB 174
 Title: "...employment preference..."
 Sponsor: Senator Josephson
 Requestor: Senate Labor & Commerce

II. FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Worker Protection
 BRU, Program of Subprogram(s) Affected: Labor Standards & Safety, Wage & Hour

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		72.3	76.6	81.2	86.1	91.3
200 TRAVEL		0				
300 CONTRACTUAL		21.0	22.3	23.6	25.0	26.5
400 COMMODITIES		1.0	1.1	1.2	1.3	1.4
500 EQUIPMENT		3.0	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		97.3	100.0	106.0	112.4	119.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND		97.3	100.0	106.0	112.4	119.2
FEDERAL FUNDS						
OTHER -(Specify Source)						

POSITIONS:

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

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

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Donald R. Wilson *Donald R. Wilson*
 Division: Labor Standards and Safety *Jim Josephson*

Phone: 465-4870
 Date: May 6, 1983

Approved by Commissioner: Jim Robison *Jim Robison*
 Department: Labor

Date: May 6, 1983

LEG:A:48

Distribution:

- Original to Legislative Finance
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- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

FISCAL NOTE

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

TITLE: "An Act relating to employment preference."

AGENCY AFFECTED: Department of Labor

Page 2

Under this bill the Department of Labor will be required to closely scrutinize certified payrolls to assure that residents of an area, which has been designated as an area impacted by economic disaster, are given first preference for employment, where they are available and qualified, so that the economic effects of alleviating the disaster will be maximized. If resident labor is not available, the contractor will inform the department of the number of additional workers needed, the positions to be filled, and the efforts made at recruitment in the area. The department will investigate, and if it is determined that a good faith effort has been made by the contractor, will authorize the recruitment of qualified and available workers from areas adjoining the area impacted by such economic disaster; then followed by residents of the region, and then by residents of the State at large. This expansion of auditing and investigative service will be significant and labor intensive.

Staffing would provide a technician for full-time resident audits, and a full-time investigator in the office to review audit results, make investigations of violations uncovered by the audits, and investigate complaints from sources outside the agency. The investigator would travel throughout the state to provide a quick reaction capability to remote job sites where a majority of the violations occur.

Additional workload results from the requirement that residency is based on worker hours on a craft-by-craft basis.

Assumptions:

Effective date of July 1, 1983

Inflation rate of 6% per annum

Equipment Costs of \$9,000 is a one time item

Inclusion of additional funding (\$251.8 in the Senate Budget) in the final appropriations bill.

The original fiscal note submitted for Sponsor Substitute for Senate Bill 174 requested \$349.0 (6 positions). Of this amount, \$251.8 (4 positions) has been included in the Senate Budget for the Department. This fiscal note is the difference between the original amount requested and the amount included in the Senate Budget 97.3 (2 positions).

LEG:A:48

1.	POSITION TITLE Wage and Hour Technician I				RANGE/STEP 12A	BARG. UNIT GGII	FORM 12 PAGE/LINE	GOV.	APPRDV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SS for SB174	PCN NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT 99	LEG.		

3.	CONTINUATION LEVEL	ADDITION	XX
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	23,688	
6.	Benefits	3,759	
7.	Supplemental Benefits	1,452	
8.	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	31,779
10.	Travel	02	-0-
11.	Contractual	03	11,520
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		45,299

JUSTIFICATION

This position will be required to audit certified payrolls to ascertain if contractors on public projects are employing local residents; if good faith efforts have been made to hire local residents; and further if labor from adjacent areas is being utilized when local skilled labor is not available.

Contractual service includes \$3,120 for indirect support services, and \$3,400 for rent. All other costs are normal operating expenses.

The \$1,500 in the equipment line item is to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.	100	General Funds 1004	45,299
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

FOR B&M USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 84

Page 1 of 2

Revised Date _____

1.	POSITION TITLE Wage and Hour Investigator I				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SS for SB174	PCI NUMBER	BRU PRIORITY	LOCATION	ELECTION DISTRICT 99	LEC.		

3.	CONTINUATION LEVEL	ADDITION	X	
4.	TYPE OF EXPENDITURE		AMOUNT	
	1	2	3	
	PERSONAL SERVICES'			
5.	Salary	30,888		
6.	Benefits	4,902		
7.	Supplemental Benefits	1,894		
8.	Fixed Benefits	2,880		
9.	TOTAL PERSONAL SERVICES	01	40,564	
10.	Travel	02	0	
11.	Contractual	03	9,468	
12.	Commodities	04	500	
13.	Equipment	05	1,500	
14.	Other			
15.	TOTAL COST		52,032	

JUSTIFICATION

This position would provide professional review of the audit trail for resident hire; make investigations of suspected non-compliance and enforce the required quotas of resident to non-resident. This position would also provide quick reaction response capability to remote areas to apprehend violators while the project is still in process and funds are available for retention by the contacting agency that would have been paid to displaced residents.

Contractual services include \$4,068 for indirect support services and \$3,400 for rent and \$2,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
6.		Federal Receipts 1002	
7.		G.F. Match 10J3	
8.		General Funds 1004	52,032
9.		I-A Receipts 1005	
10.		Program Receipts 1028	
11.		Other	

FOR B&H USE ONLY
4A KEY NUMBER _____

**REQUEST FOR
NEW POSITION**

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

Page 2 of 2

Revised Date _____

FY 84

I. REQUEST

Bill/Resolution No.: SSSB 174
 Title: Employ. Preference, State Residents
 Sponsor: Josephson, Kerttula, et al.
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Department of Labor
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER (Specify Source)	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

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

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Guy Stringham *Guy Stringham*
 Division: Labor Relations

Phone: 465-4403
 Date: April 28, 1982

Approved by Commissioner: Lisa Rudd *L. A.*
 Department: ADMINISTRATION *11328*

Date: 5/4/82

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3/8/83

STATE OF ALASKA
FISCAL NOTE

Revision Date Original, 1983

I. REQUEST

Bill/Resolution No.: SS for SB 174
 Title: "An Act relating to employment..."
 Sponsor: Senator Josephson
 Requestor: Senate Labor & Commerce.

II. FISCAL DETAIL

Agency Affected: Labor
 Program Category Affected: Worker Protection
 BRU, Program of Subprogram(s) Affected: Wage & Hour

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		217.0	230.0	243.8	258.4	273.9
200 TRAVEL		48.0	50.9	54.0	57.2	60.6
300 CONTRACTUAL		72.0	76.3	80.9	85.8	90.9
400 COMMODITIES		3.0	3.2	3.4	3.6	3.8
500 EQUIPMENT		9.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		349.0	360.4	382.1	405.0	429.2
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		349.0	360.4	382.1	405.0	429.2
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		6	6	6	6	6
PART-TIME						
TEMPORARY						

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

N/A

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Don Wilson Phone 465-4870
 Division: Labor Standards & Safety Date: 5/11/83
 Approved by Commissioner: Jim Robison Date: _____
 Department: Labor
 LEG:A:47

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3/8/83

1.	POSITION TITLE Wage and Hour Technician I				RANGE/STEP 12A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SSforSB 174	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		
3.	CONTINUATION LEVEL	ADDITION	XXX	JUSTIFICATION						
4.	TYPE OF EXPENDITURE			AMOUNT						
	1	2	3							
	PERSONAL SERVICES									
5.	Salary		23,688							
6.	Benefits		3,759							
7.	Supplemental Benefits		1,452							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES	01	31,779							
10.	Travel	02	-0-							
11.	Contractual	03	11,520							
12.	Commodities	04	500							
13.	Equipment	05	1,500							
14.	Other									
15.	TOTAL COST		45,299							
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.	100	General Funds 1004		45,299						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
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4A KEY NUMBER _____										

This position will be required to audit certified payrolls to ascertain if contractors on public projects are employing local residents; if good faith efforts have been made to hire local residents; and further if labor from adjacent areas is being utilized when local skilled labor is not available.

Contractual service includes \$3,120 for indirect support services, and \$3,400 for rent. All other costs are normal operating expenses.

The \$1,500 in the equipment line item is to purchase basic office equipment.

13 REQUEST FOR
NEW POSITION

AGENCY Labor
PROGRAM Worker Protection
BRU Labor Standards and Safety
COMPONENT Wage and Hour

FY 84

Page 1 of 6
Revised Date _____

1.	POSITION TITLE Wage and Hour Technician I			RANGE/STEP 12A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SSforSB 174	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT 99	LEG.	

3.	CONTINUATION LEVEL	ADDITION	XX
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	23,688.	
6.	Benefits	3,759	
7.	Supplemental Benefits	1,452	
8.	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	31,779
10.	Travel	02	-0-
11.	Contractual	03	11,520
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		45,299

JUSTIFICATION

This position will be required to audit certified payrolls to ascertain if contractors on public projects are employing local residents; if good faith efforts have been made to hire local residents; and further if labor from adjacent areas is being utilized when local skilled labor is not available.

Contractual service includes \$3,120 for indirect support services, and \$3,400 for rent. All other costs are normal operating expenses.

The \$1,500 in the equipment line item is to purchase basic office equipment.

RECEIPT CODE	FUNDING SOURCE	
16.	Federal Receipts 1002	
17.	G.F. Match 1003	
18.	100 General Funds 1004	45,299
19.	I-A Receipts 1005	
20.	Program Receipts 1028	
21.	Other	

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4A KEY NUMBER _____

3 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 84

Page 2 of 6

Revised Date _____

1.	POSITION TITLE Wage and Hour Technician I			RANGE/STEP 12A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SSforSB 174	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 99	LEC.	
3.	CONTINUATION LEVEL	ADDITION	XX	JUSTIFICATION					
4.	TYPE OF EXPENDITURE			AMOUNT					
	1	2	3						
	PERSONAL SERVICES*								
5.	Salary	23,688							
6.	Benefits	3,759							
7.	Supplemental Benefits	1,452							
8.	Fixed Benefits	2,880							
9.	TOTAL PERSONAL SERVICES	01	31,779						
10.	Travel	02	-0-						
11.	Contractual	03	11,520						
12.	Commodities	04	500						
13.	Equipment	05	1,500						
14.	Other								
15.	TOTAL COST		45,299						
<p>This position will be required to audit certified payrolls to ascertain if contractors on public projects are employing local residents; if good faith efforts have been made to hire local residents; and further if labor from adjacent areas is being utilized when local skilled labor is not available.</p> <p>Contractual service includes \$3,120 for indirect support services, and \$3,400 for rent. All other costs are normal operating expenses.</p> <p>The \$1,500 in the equipment line item is to purchase basic office equipment.</p>									
	RECEIPT CODE	FUNDING SOURCE							
16.		Federal Receipts 1002							
17.		G.F. Match 1003							
18.	100	General Funds 1004		45,299					
19.		I-A Receipts 1005							
20.		Program Receipts 1028							
21.		Other							
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13 REQUEST FOR
NEW POSITION

AGENCY Labor

PROGRAM Worker Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 84

Page 3 of 6

Revised Date _____

1.	POSITION TITLE Wage and Hour Investigator I			RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISB'T.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SSforSB 174	PCN NUMBER	BRU PRIORITY	LOCATION Juneau	ELECTION DISTRICT 99	U.C.	

3.	CONTINUATION LEVEL	ADDITION	
4.	TYPE OF EXPENDITURE		AMOUNT
	1	2	3
	PERSONAL SERVICES		
5.	Salary	30,888	
6.	Benefits	4,902	
7.	Supplemental Benefits	1,894	
8.	Fixed Benefits	2,880	
9.	TOTAL PERSONAL SERVICES	01	40,564
10.	Travel	02	12,000
11.	Contractual	03	12,468
12.	Commodities	04	500
13.	Equipment	05	1,500
14.	Other		
15.	TOTAL COST		67,032

JUSTIFICATION

This position would provide professional review of the audit trail for resident hire; make investigations of suspected non-compliance and enforce the required quotas of resident to non-resident. This position would also provide quick reaction response capability to remote areas to apprehend violators while the project is still in process and funds are available for retention by the contracting agency that would have been paid to displaced residents.

Contractual services includes \$4,068 for indirect support services and \$3,400 for rent and \$5,000 for basic operating cost.

The position will require \$1,500 to purchase basic office equipment.

	RECEIPT CODE	FUNDING SOURCE	
16.		Federal Receipts 1002	
17.		G.F. Match 1003	
18.		General Funds 1004	67,032
19.		I-A Receipts 1005	
20.		Program Receipts 1028	
21.		Other	

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13 REQUEST FOR
NEW POSITION

AGENCY Labor
PROGRAM Public Protection
BRU Labor Standards and Safety
COMPONENT Wage and Hour

FY 84

Page 4 of 6
Revised Date _____

POSITION TITLE Wage and Hour Investigator I				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV	APPROV	DISBURS
CLASSIFICATION OF POSITION T	STAFF MONTHS 12	RP NUMBER SSforSB 174	PCN NUMBER	BRU PRIORITY	LOCATION Fairbanks	ELECTION DISTRICT 99	CFC		

INVESTIGATION LEVEL	ADDITION	AMOUNT
1	2	3
TYPE OF EXPENDITURE		
PERSONAL SERVICES		
Salary	30,888	
Fringe Benefits	4,902	
Elemental Benefits	1,894	
Medical Benefits	2,880	
TOTAL PERSONAL SERVICES	01	40,564
Travel	02	18,000
Contractual	03	12,468
Supplies	04	500
Equipment	05	1,500
TOTAL COST		73,032

JUSTIFICATION

This position would provide professional review of the audit trail for resident hire; make investigations of suspected non-compliance and enforce the required quotas of resident to non-resident. This position would also provide quick reaction response capability to remote areas to apprehend violators while the project is still in process and funds are available for retention by the contracting agency that would have been paid to displaced residents.

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The position will require \$1,500 to purchase basic office equipment.

RECEIPT CODE	FUNDING SOURCE	AMOUNT
	Federal Receipts 1002	
	G.F. Match 1003	
	General Funds 1004	73,032
	I-A Receipts 1005	
	Program Receipts 1028	
	Other	

USE ONLY NUMBER _____

AGENCY Labor

PROGRAM Public Protection

BRU Labor Standards and Safety

COMPONENT Wage and Hour

FY 84

QUEST FOR POSITION

POSITION TITLE Wage and Hour Investigator I				RANGE/STEP 16A	BARG. UNIT GGU	FORM 12 PAGE/LINE	GOV.	APPROV.	DISAB.
TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER SSforSB 174	PCN NUMBER	BRU PRIORITY	LOCATION Anchorage	ELECTION DISTRICT 99	LEG.		

CONTINUATION LEVEL ADDITION

TYPE OF EXPENDITURE		AMOUNT
1	2	3
PERSONAL SERVICES		
Salary	30,888	
Benefits	4,902	
Supplemental Benefits	1,894	
Fixed Benefits	2,880	
TOTAL PERSONAL SERVICES	01	40,564
Travel	02	18,000
Contractual	03	12,468
Commodities	04	500
Equipment	05	1,500
Other		
TOTAL COST		73,032

JUSTIFICATION

This position would provide professional review of the audit trail for resident hire; make investigations of suspected non-compliance and enforce the required quotas of resident to non-resident. This position would also provide quick reaction response capability to remote areas to apprehend violators while the project is still in process and funds are available for retention by the contracting agency that would have been paid to displaced residents.

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RECEIPT CODE	FUNDING SOURCE	
	Federal Receipts 1002	
	G.F. Match 1003	
	General Funds 1004	73,032
	I-A Receipts 1005	
	Program Receipts 1028	
	Other	

B&M USE ONLY
A KEY NUMBER _____

REQUEST FOR
NEW POSITION

AGENCY Labor
PROGRAM Public Protection
BRU Labor Standards and Safety
COMPONENT Wage and Hour

FY 84

Page 6 of 6
Revised Date _____

TO: Senator Josephson
FROM: H.M. Lancaster II
DATE: March 22, 1983

RE: Senate bill 174--Alaska Hire Preference Law

The current preferential hire law facially discriminates against non-residents in public works employment. Residency, as applied in AS 36.010.100, is based upon one's domicile which is defined in AS 36.95.010(5). Simple residency requirements are analyzed under the Privileges and Immunities Clause of the U.S. Constitution, Article IV, sec. 2.

Not all discrimination under the clause is invalid. Toomer v. Witsell, 334 U.S. 385, 396 (1948). However, the discrimination must be motivated by an independent and valid state purpose, and the clause "does not bar discrimination beyond the mere fact that they are citizens of other states." Id. To demonstrate a substantial relationship between a valid state purpose and the discrimination at issue, the state must show that the "noncitizens constitute a particular source of evil at which the statute is aimed." Toomer, at 398; Hicklin v. Orbeck, 437 U.S. 518, 526 (1978). The Privileges and Immunities Clause ensures that this retained sovereignty will not render an individual an alien within his own nation. Paul v. Virginia, 8 Wall 168, 180 (1869).

States, do however, routinely act in capacities other than as a sovereign. In Hughes v. Alexandria Scrap Corp., 426 U.S. 794 (1976) and in Reeves Inc. v. Stake, 447 U.S. 429 (1980), the Court held that state and local governments, in the face of a Commerce Clause challenge, may participate in the market place and exercise the right to favor its own citizens over others.

The propriety of the principal of AS 36.010.100 has recently been tested in Labors Local Union No. 374 v. Felton Construction, 654 P2d. 67(Washington 1982). The Court decided the threshold inquiry of whether the interest of preferential hire subject to state legislation is a privilege or immunity within the meaning of the U.S. Constitution, Article IV, sec. 2. In the spring of 1980, the City of Aberdeen awarded a sanitary sewer project to the lowest bidder, the Felton Construction Company, a Montana corporation. The project was funded by 25 percent

state and local funds and 75 percent federal funds. Appellant sued Felton and the city alleging that Appellees had not employed the statutorily required percentage of Washington residents on the city sewer project.

The Washington court in its analysis stated the following rationale for discharging the state's preferential hire law:

- (1) no valid independent reason shown for discriminating against nonresidents
- (2) nothing was shown to indicate that noncitizens constituted a peculiar source of evil at which the statute was aimed.
- (3) no reasonable relationship between the danger represented by non citizens, as a class, and the discrimination practiced upon them.

The Court cited Baldwin v. Fish & Game Comm'n, 436 U.S. 371, 383 (1978) for the proposition that the extent to which the privileges and immunities clause protects a citizen's right to be placed on the same footing with citizens of other states so far as the advantages resulting from citizenship in the States are concerned, those rights are fundamental. The right to pursue a livelihood in a State other than one's own is a right that is protected by the Clause and points to those interests basic to the maintenance or wellbeing of the Union.

The Court analyzed the motive of the State and declared that "While the State's proprietary role would not exempt it from privileges and immunities scrutiny, it might justify an otherwise illegitimate legislative purpose of seeking to foster state economic welfare." Felton, at p. 70. The State failed to demonstrate a valid state interest. Secondly, "absent an identified peculiar evil" stated the Court, "it is difficult to determine if the statute is closely related to eliminating the evil non-residents present."

The Court did not dispute the proprietary interest of the State. The project was a public works effort involving state tax dollars. However, the Court found that the statute was not limited to the ownership rights of the State. It specifically placed limitations on private contractors and their subcontractors. And in doing so the Court found

inappropriate the the hardship created by the statute because it affected private employers who had no direct dealings with the state. Felton, at p. 71.

It is at this juncture where the current Alaska employment preference law is infirm. It applies to "... any other retention of services necessary to complete any given project,". That language carries with it the prohibition elicited in Hicklin, "that an attempt to force virtually business that benefits in some way from the economic ripple effect... biases their employment practices in favor of the State's residents." at p. 532. The current statute is probably too broad in its application.

The viability of SB 174 rests upon the White Case. The court did not reach the Privileges and Immunities question. (NOTE: see the March 9, 1983 memo from Billy Berrier). However, the Court does quote the prohibition of Hicklin as to the broadness of applicability, and hints that a more narrowly drawn means of hiring local workers with a statement of local economic need may pass the test. The state as a market participant may be afforded the privileges of other private enterprises in the execution of its policy with its own resources.