

3028

SSA

SB

116

-

SB

137

8672

Questions asked Terry Cramer, 2/21/1983 sb 116

1. Why shouldn't the department of Public Safety have to report why they hire so many employees?

NO reporting

2. Could you document the kind of paperwork burden placed on the department of public safety? They usually have 400-500 emergency workers during one year, compared to the the next largest user of emergency employees-- the department of Fish and Game--uses 40-50 emergency employees per year.

The process for hiring an emergency employee:

1. Phone call to personnel to relate the need to hire a guard
2. Send justification for emergency hire to the Dept. of Public Safety
3. The Department of Public Safety must file a Personnel Action to 1) Division of Personnel, 2) Employee, 3) Payroll
4. When this "emergency employee" is terminated the DPS file another PA that reflects the termination, and go through the same process.

The process for hiring an "exempt employee"

1. no justification for the hire would be needed.
2. The emergency is easily identifiable, and clearcut. Terry Cramer felt that it was therefore not open to abuse.
3. Inform payroll of the hire in a less formal manner--phone call etc...
4. There may exist the need for a PA for each area to relate the pay scale for the region etc...

(this would eliminate the PA step of the process)

c. The catalyst for this bill was to decrease the paperwork load on the Department of Public Safety.

3. The emergency appointments have no protections that the exempt appointments do not have.

4. If the "Guards" were put on Exempt status, they could conceivably be hired for periods longer than 30 days.

to  
Cramer  
-  
S. J. P.  
-  
H. Cramer

# MEMORANDUM

*SMH 3/16 4/2*  
State of Alaska

TO: Kevin Eruce  
Special Assistant  
to the Governor

DATE: January 12, 1983

FILE NO:

TELEPHONE NO: 465-4322

*RJS*  
FROM: Robert J. Sundberg  
Commissioner  
Department of Public Safety

SUBJECT: Division of Personnel  
Emergency Guard Hire  
Interpretation & Change

The Department of Public Safety has a unique problem as it relates to the hiring of non-permanent employees for emergency guards. Past practice of hiring non-permanent persons and terminating them every 30 days was very cost effective.

In September (1982), the Division of Personnel re-advised us that their interpretation of the statutes was that each time a person was hired and terminated, a complete personnel action had to be completed, due to the fact that a separate emergency exists each time we employ a guard.

From September 1 to December 31, 1982, 500 personnel actions for 56 persons were required as a result of the Division of Personnel's interpretation of AS 39.25-195-200. The Department of Public Safety will hire an estimated 170 to 200 non-permanent emergency guards in 1983 with the net result being, 2000 personnel actions will have to be filed. We feel that the legislature did not intend to create paper work for the sake of paper work. We feel that the legislative intent in Sec. 39.25.195 C(3) and Definitions 39.25.200(3) would allow us to revert to past practices, which would be less costly to the State of Alaska.

On January 12, 1983, Mr. Mike McMullen and I discussed the aforementioned problem and after reviewing all alternatives, Mr. McMullen suggested that we change the non-permanent (Emergency Guards) persons to exempt status. By doing this, we can hire and terminate a person every 120 days and reduce the paper work and cost to the State.

The exempt employees are all local hires and work only when needed. The average person works about 5 to 12 days per month. The Department of Public Safety, Personnel Section, will continue to monitor the emergency hires very closely. We request your concurrence with this approach to streamline the system.

Attachment

*1/19/83*  
*3/7 - Frank Page*  
*Gov. for B.X.*

*APPROVED*  
*[Signature]*  
*1-17-83*

DEPARTMENT OF PUBLIC SAFETY  
COMMISSIONER'S OFFICE  
Juneau, Alaska

JAN 19 1983

*1/2 of 1983 assembly said might be months before can initiate this.*

STATE  
of ALASKA

## MEMORANDUM

*WJ & JZ -  
Gene Barb-1-13-83*TO:  Terry P. Hanso,  
Special Assista. to the  
Commisisoner  
Department of Public Safety

DATE: January 12, 1983

FILE NO:

TELEPHONE NO: 465-4430

FROM: Michael P. McMullen *McMullen*  
Deputy Director  
Division of Personnel  
Department of Administration

SUBJECT: Emergency Guards

This will recap our conversation this morning of what appears to be the best solution to the paperwork problems surrounding your emergency Guard hires. Of the seven options we discussed with your staff, we believe that placing the employees in the exempt service presents the option most likely to provide a continuing and long range solution.

Some of the other options are or may be pursued by your Department as well. To their own extent each provides only a partial solution to the problem. The other six options discussed are:

- 1) Department of Public Safety contract with local jurisdictions to house prisoners;
- 2) Department of Public Safety establish permanent part-time positions in the locations with most frequent arrests (Tok, Dillingham, Glennallen);
- 3) after 1) and/or 2) are accomplished, hire any emergency Guards under existing procedures;
- 4) certify the emergency in general terms such as " we expect one or more prisoners between [current date] and the end of the pay period";
- 5) Division of Personnel not require Personnel Actions for appointment and termination of emergency appointments;
- 6) Department of Public Safety "borrow" local law enforcement personnel to guard prisoners.

The advantage of placing the positions in the exempt service include:

- 1) they are not subject to AS 39.25.195-200 regarding the duration or reporting of emergency appointments;
- 2) the Division of Personnel will no longer have any role in monitoring or enforcing any constraints;

ry P. Hanson

2

January 12, 1983

- 3) paperwork for your Department, our Division, and the Divisions of Finance and Retirement should be greatly simplified.

The one known potential disadvantage is the perception that may accompany placement of additional positions in the exempt service. I understand you will be discussing this matter with the Governor's Office in the near future.

There are positions with some similar characteristics already placed in the exempt service. AS 39.25.110 (19) places "firefighters employed by the Department of Natural Resources for a fire emergency" in the exempt service. Our recommended action is to add another subsection to AS 39.25.110 placing "emergency guards employed by the Department of Public Safety" in the exempt service.

I am available to further discuss this or other options at your convenience. We must report recommended legislative changes on emergency appointments to the Legislature by the tenth day of the session. Our report needs to be drafted by January 14 to allow for typing and printing by January 27. Your early consideration is needed to meet these deadlines.

*L. Hanson*



JUNEAU, ALASKA

# Alaska State Legislature

BLUE RIBBON COMMISSION ON THE  
STATE PERSONNEL ACT

Senator Bill Ray, Chairman

Pouch YG  
Mail Stop 3123  
Juneau, Alaska 99811  
(907) 465-4442

## MEMORANDUM

February 15, 1983

TO: Members of the Senate State Affairs Committee

FROM: Teresa B. Cramer *Teresa B Cramer*  
Administrative Assistant

SUBJECT: Senate Bill 116 - Placing Emergency Guards Employed by the  
Department of Public Safety in the Exempt Service

The Blue Ribbon Commission is recommending that emergency guards employed by the Department of Public Safety be moved from the classified service to the exempt service. In 1979, the commission sponsored legislation to place greater restraints on the employment of both nonpermanent and emergency classified state workers. These restrictions have created some difficulties for the Department of Public Safety because of the large number of emergency guards they hire.

An emergency employee is defined as "an employee appointed for a period not to exceed 30 calendar days, whose appointment was made under conditions requiring immediate action to carry on work that is required in the public interest". AS 39.25.200(3). Departments are required to report the reason for hiring an emergency employee within 15 working days of the appointment. Personnel practices require that departments prepare Personnel Action forms at the beginning and ending of an emergency appointment. Departments are not required to report as extensively for an appointment to an exempt position.

According to the Division of Personnel's "Report on Nonpermanent and Emergency Employment 1982", the Department of Public Safety made 495 emergency guard hires in 1982. These employees guard prisoners or seized property in rural areas where a one- or two-person post prevents a trooper from maintaining 24-hour per day watch. The period required for the emergency service is between arrest and either arraignment or transportation to a correctional facility or until other arrangements are made to maintain custody of the seized property. According to the Department of Public Safety, typical appointments last from two to four days.

In its report, the Division of Personnel states that the conditions for making emergency appointments place a significant paperwork burden on the Department of Public Safety, and on the Divisions of Personnel, Finance, and Retirement and Benefits in the Department of Administration. The division and the department recommend that emergency guards working for the Department of Public Safety be placed in the exempt service. The division points out that there are similarities between these positions and emergency firefighters in the department, who are already included in the exempt service by statute. AS 39.25.110(19).

The Blue Ribbon Commission agrees with the recommendation. Emergency guards are typically employed repeatedly in the locations which need them, but for short times each time. The paperwork burden on the departments would be substantially reduced with little effect on the employee because the appointments are of such short duration. (The protections for emergency appointments are not much greater, if at all, than for exempt employees.) The continuing need for these appointments has been adequately documented.

#### Bill Analysis

Section 1 adds emergency guards employed by the Department of Public Safety to the section of the State Personnel Act which lists exempt positions.

TBC : lmk

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 209 (HB 207, SB 116) Date or Bill: 02/17/83  
 Title: An Act placing emergency guards employed by Public Safety in the exempt service  
 Sponsor: Bussett (Rules by request of Legislative Council for the Blue Ribbon Comm.)  
 Requestor: House State Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

		(Thousands of Dollars)			
		FY 83	FY 84	FY 85	FY 86
Capital					
Operating					
Total		-0-	-0-	-0-	

b. Revenues:

Revenue					
---------	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor.

Prepared By: Frank Rave *Frank Rave* Phone: 465-4430  
 Division: Personnel Date: \_\_\_\_\_

Approved by Commissioner: Lisa Rudd *LJR* Date: 3/10/83  
 Department: Administration

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/8/83

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: CSSB 116 (SA)  
 Title: Emergency Guards employed by DPS  
 Sponsor: Senate State Affairs  
 Requestor: Senate Rules

II. FISCAL DETAIL

Agency Affected: Public Safety  
 Program Category Affected: Crime & ID  
 BRU, Program of Subprogram(s) Affected: Alaska State Troopers

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-
CAPITAL						
REVENUE						

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:

IV. ANALYSIS: Attach a separate page for any Analysis No Fiscal Impact Anticipated

Prepared By: Paul Conger Phone: 465-1338  
 Division: Admin. Services Date: 3/20/83  
 Approved by Commissioner: [Signature] Date: 3/23/83  
 Department: Public Safety

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)

3/8/83

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 116 Date on Bill: 2-9-83  
 Title: An Act placing emergency guards...  
 Sponsor: Rules  
 Requestor: S. State Affairs

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating				
Total	-0-	-0-	-0-	-0-

b. Revenues:

Revenue				
---------	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No Fiscal Impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 2-17-83

Approved by Commissioner: [Signature] Date: 2/25/83  
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: SB 116 Date on Bill: 2-9-83  
 Title: An Act placing emergency guards...  
 Sponsor: Rules  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86
Capital						
Operating						
Total			-0-	-0-	-0-	-0-

b. Revenues:

Revenue						
---------	--	--	--	--	--	--

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

No Fiscal Impact

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 2-17-83

Approved by Commissioner: *[Signature]* Date: 2/25/83  
 Department: Public Safety

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

COMMITTEE REPORT

SENATE

2/9/83

FURTHER: Judiciary

Date:

2/10/83

Mr. President:

The Committee on State Affairs has had SB 116

An Act placing emergency guards employed by the department of public safety in the exempt service.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 116  same title
- new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

Bill Ray

Tom McRay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*[Signature]*

CHAIRMAN

NOTE REGARDING THE FOLLOWING FRAME(S) ON MICROFILM:  
COMPLETE DOCUMENT IS AVAILABLE IN ORIGINAL FILES.  
TITLE PAGE ONLY HAS BEEN FILMED.

AGREEMENT  
between  
the  
**STATE OF ALASKA**  
and



**PUBLIC SAFETY  
EMPLOYEES  
ASSOCIATION**  
REPRESENTING  
THE REGULARLY COMMISSIONED  
PUBLIC SAFETY OFFICERS BARGAINING UNIT  
January 1, 1982 - December 31, 1982

S

B

1

3

2

STATE OF ALASKA  
FISCAL NOTE

Revision Date 3-29, 1983

I. REQUEST

Bill/Resolution No.: CS SB 132(SA)  
 Title: Administrative Journal  
 Sponsor: Fahrenkamp, et al  
 Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Governor's Office  
 Program Category Affected: Lt. Governor  
 BRU, Program of Subprogram(s) Affected: Office of the Lieutenant Governor

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		71.2				
200 TRAVEL		- 0 -				
300 CONTRACTUAL		88.0				
400 COMMODITIES		.6				
500 EQUIPMENT		- 0 -				
600 LAND & STRUCTURES		- 0 -				
700 GRANTS, CLAIMS, ETC		- 0 -				
<b>TOTAL OPERATING</b>		160.6				
<b>CAPITAL</b>		- 0 -				
<b>REVENUE</b>		- 0 -				

FUNDING: (Thousands of Dollars)

GENERAL FUND	160.6				
FEDERAL FUNDS	- 0 -				
OTHER (Specify Source)	- 0 -				

POSITIONS:

FULL-TIME	2				
PART-TIME					
TEMPORARY					

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

If continued to be published, the distribution of the Journal would be on a subscription basis at a cost to be determined by the Lt. Governor with the revenues coming back to the General Fund.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Judy R. Hansen Phone: 465-3520  
 Division: Office of the Lieutenant Governor Date: 3/29/83  
 Approved by Commissioner: [Signature] Date: 3/29/83  
 Department: Lieutenant Governor

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)

3/8/83

CS SB 132 (SA)

Publish Administrative Journal on a biweekly basis

100 Personal Services

Systems Analyst Range 16B @ \$2556/mo  
Salary/year 30.7  
Benefits/year 7.7  
38.4

Publication Tech. Range 12B @ \$1946/mo  
Salary/year 23.4  
Benefits/year 5.9  
29.3

67.7

Inflation @ 5.1%

3.5

71.2

200 Travel

- 0 -

300 Contractual Services

Telephone, long distance 1.5

Postage & mailing (assume 500) - 500 to  
be picked up at info offices) 10.5

Advertising (\$70/ad x 24) 1.7

Rental (Display Writer, Modem & line cost) 5.0

Printing & Binding  
25 x \$2.50 x 1000 x 26 issues 65.0  
(estimate 25 sheets back to back)

Inflation @ 6% 5.1 88.8

400 Commodities

General office supplies .6 .6

500 Equipment

- 0 -

TOTAL

\$ 160.6

# STATE OF ALASKA

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

Bill Sheffield, Governor

POUCH # - STATE CAPITOL  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3600

March 29, 1983

Honorable Vic Fischer, Chairman  
Senate State Affairs Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: SB 132 (HB 259) -- Alaska  
Administrative Journal

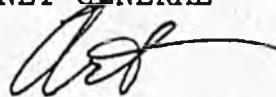
Dear Vic:

I understand that this bill is scheduled for consideration by your committee today. For your convenience, a copy of my March 22, 1983 letter to Representative Niilo Koponen on the same subject is attached. (A copy of that letter was furnished to Senator Fahrenkamp's aide, Mark Boyer, on March 24, 1983.)

Essentially, that letter states the Department of Law's position on the bill and points out a couple of problems. Our position is that we neither oppose nor support the bill, but have some suggestions for improving it.

Yours truly,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:   
Arthur H. Peterson  
Assistant Attorney General

AHP:md

cc: Hon. Bettye Fahrenkamp  
Alaska State Senate

Emil Notti  
Legislative Assistant  
Governor's Office

Sally Hanson  
AAC Coordinator  
Lieutenant Governor's Office

March 22, 1983

Honorable Niilo Koponen  
House of Representatives  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: HB 259 (SB 132) -- Alaska  
Administrative Journal

Dear Niilo:

As you requested in your March 15, 1983 note to the attorney general, here are some thoughts on this bill (a slight revision of last legislature's CSSB 6 [Jud] am):

(1) In the past, the Department of Law has taken the position of neither opposing nor supporting this bill, while mentioning that it is perhaps overly ambitious in trying to include too many different kinds of things in the journal right from the beginning. That approach in the bill increases the cost and the potential for error.

(2) Since existing AS 44.62.190(a) lists the kinds of distribution and publication that must be given to a notice of proposed regulations adoption, it would probably be a good idea to amend that section to correspond to the proposed AS 44.62.175(a)(1).

(3) The proposed AS 44.62.175(a)(7) requires the publication of the text of a regulation, subject to certain size limitations. However, the text is not always available at the time an agency publishes notice of its proposed action. The agency may be depending heavily on public participation before coming up with the actual text. The phrase "when available" should be put at the beginning of this paragraph. Compare the proposed AS 44.62.175(a)(2) in the Twelfth Legislature's CSSB 6 (Jud) am, where a similar phrase was included.

(4) On page 2, line 2, the word "commissioner" should read "lieutenant governor." I believe that this is a carry-over from an earlier version of the bill when the commissioner of administration was named as being responsible for publication of the journal.

(5) The proposed AS 44.62.175(d) says that a regulation may not take effect unless notice is published in the

journal. However, under sec. 2 of the bill, the lieutenant governor has 120 days after the effective date of the Act to publish the first issue. What happens to regulations adopted after the effective date of the Act but before the 120th day following that effective date? Does the combination of the two provisions mean that no regulations can take effect during that period? I suspect that that is not the your intent. If it were, we would strongly oppose that part of the bill since its effect would be to stall implementation of essential programs. A simple amendment could avoid this problem.

(6) I am wondering how the lieutenant governor will know how many copies to have printed. Is it anticipated that he will solicit subscriptions during the 120-day period? Is the 120-day period sufficient to allow for determination of the number of copies and for negotiation of a contract with a publisher? Is it a sufficient amount of time for all of the state agencies that would be affected by the new statute to comply with it?

(7) A fairly self-explanatory amendment is attached, dealing with the question of state liability. It is an attempt to protect the state and its people from the exposure to potential liability which this additional governmental function would create. The public's expectations for this consolidation of notices and information might be substantial. It is possible that a court would hold the state liable for mistakes made by way of inclusion or omission and for alleged damages due to the wording of information included. The journal is not intended to replace any existing systems of distributing the information involved, as required by various statutes. It is just a helpful publication which does not relieve interested persons from their obligation to watch out for their own interests. The Administrative Journal will help them do that, but it should not provide a basis for imposing additional liability on the state.

(8) I will leave to the Lieutenant Governor's Office the matter of cost -- by whatever means of publication and whatever subscription price are finally chosen. It is necessary to balance that cost against the value of the new publication. How essential is an additional, albeit centralized, publication of the information that would be included in the journal? How extensive is the use of this journal likely to be? How many people are likely to take advantage of the additional publication?

Honorable Niilo Koponen  
Alaska House of Representatives  
HB 259 (SB 132) Alaska Administrative Journal

March 22, 1983  
Page 3

Thank you for this opportunity to offer our comments.  
If you have any questions, we would be happy to work with you on  
this subject.

Yours truly,

NORMAN C. GORSUCH  
ATTORNEY GENERAL

By:  
Arthur H. Peterson  
Assistant Attorney General

AHP:md

cc w/enc.: Emil Notti  
Legislative Assistant  
Governor's Office

Sally Hanson  
AAC Coordinator  
Lieutenant Governor's Office

A M E N D M E N T

Offered in the HOUSE

TO: HOUSE BILL NO. 259

Page 2, between lines 21 and 22, insert:

(g) The purpose of this section is to provide helpful information in addition to that being provided under other statutes. It is not intended to relieve persons of their obligation to use due diligence in protecting their interests that might be affected by state action related to the types of information specified in (a) of this section. No person acquires a cause of action for damages, based on the publication of information, or the failure to publish every item of information required by (a) of this section, in the journal.

Page 2, line 22:

Change "(g)" to read "(h)."

# Senator Vic Fischer

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



March 29, 1983  
3:00pm

Butrovich Room  
Capitol Bldg.

## Members Present

Senator Vic Fischer, Chair  
Senator Bill Ray, Vice-Chair  
Senator Arlis Sturgulewski  
Senator Tim Kelly  
Senator Pat Rodey

-----  
SB 4--Repeal of the beverage dispensary license board  
-----

Senator Sturgulewski (prime sponsor) stated that the provision to be repealed is never used and is thus unnecessary.

Senator Rodey moved and asked unanimous consent to pass the bill out of committee with individual recommendations. There was no objection.  
-----

SB 132--Establishing an Alaska Administrative Journal  
-----

Senator Fahrenkamp (prime sponsor) testified for the bill. The idea of the bill is to promote efficiency in administrative action. She proposed a committee substitute and outlined its contents. She stated that the bill could be implemented without great cost for an 18 month trial period. At the end of the trial period, cost and demand for the journal will be known.

Lt. Governor Steven McAlpine testified that the 18 month trial period was a positive feature of the bill and that the fiscal note was his highest guess. The big question is the demand for such a publication and how much revenue it will generate.

Senator Ray asked if the "no effect until publication" section would work. Lt. Governor McAlpine responded that this problem was covered in subsection "d" of the committee substitute.

Arthur Peterson, Department of Law, testified that the CS takes care of many of the problems he had identified in the original bill. He stated that he had some concern that the project may be taking on too much. He went through the list of things to be included in the journal and commented on each one. He discussed the benefits of the provision which disclaims liability for the contents of the journal.

Senator Rodey moved and asked for unanimous consent to pass the bill from committee with individual recommendations. There were no objections.

-----  
SB 194--Relating to "ice classics"  
-----

Senator Sackett (prime sponsor) testified that he had been asked to help create a "Kuskokwim Ice Classic" by Bethel Social Services. This group wants to reduce their dependence on state money.

Senator P. suggested that the title of the bill be changed to "An Act relating to Establishment of the Kuskokwim Ice Classic".

Senator Fischer suggested a minor change on line 13 of the bill.

Senator Ray moved and asked unanimous consent that these changes be incorporated in a committee substitute, that the committee substitute be adopted and passed out of committee with individual recommendations. There was no objection.

-----  
SB 137--Requiring public employees to comply with the Regulation of Lobbying Act.  
-----

Senator Faiks (prime sponsor) testified that she had contemplated a sponsor substitute but decided against it. She reviewed the substance of the bill and described the current situation where municipal and university lobbyists do not have to register and disclose while private sector lobbyists do. She described lobbying laws in other states. She stated that it was very difficult to get information on lobbying expenditures from the Municipality of Anchorage.

Senator Ray asked if, for example, a municipal attorney who answered questions for a legislator or legislative staff person would have to register. Senator Faiks responded that that would be true if the public employee was lobbying for money. She pointed out that "substantial and regular" portions of this person's salary must come from lobbying.

Senator Ray asked if legislators would be required to comply with the Act if this bill were passed. Senator Faiks was of the opinion that this legislation would not affect legislators.

Senator Ray suggested that municipal lobbyists were a local problem which would best be addressed by local ordinance. Senator Faiks disagreed saying that the crux of the problem is spending public money through lobbying to get more public money.

Vickie Rippie, A.P.O.C. assistant director, referred to APOC's position paper and summarized its content. This bill would apply to legislators and staff. She stated that the Commission feels that government productivity might suffer as 2000 employees could be affected.

Senator Rodey suggested that the bill be held over for further study. The committee agree by consensus to hold the bill over.

---

SB 190--Special appropriation for Wrangell Totem Poles

---

Senator Ferguson testified in favor of the bill. He stated that this bill would help save some important elements of the Native culture.

Senator Kelly asked if section 2 of the bill was duplicated by other programs. Senator Ferguson said that this was not the case.

David Katzeek, Sealaska Heritage Foundation, testified for the bill. He described various foundation activities to save and display valuable artifacts.

Senator Sturgulewski asked if the project which is the subject of this bill will extend into future years and require further funding. Mr. Katzeek stated that this depended on the process laid out in the bill.

Senator Ray moved and asked unanimous consent that the bill pass from committee with individual recommendations. There was no objection.

The remainder of the calendar was not taken up.

Senator Fischer adjourned the meeting at 4:23pm.

SB 132

SENATE JOURNAL - PAGE 209- 4 2/17/83

SENATE BILL NO. 132 by Senators Fahrenkamp, Bennett, Ziegler and Moss, entitled:

"An Act establishing the Alaska Administrative Journal; and providing for an effective date."

was read the first time and referred to the State Affairs Committee and the Finance Committee.

SB 132

SENATE JOURNAL - PAGE 224- 2 2/21/83

Senator Kelly was added as a co-sponsor to SENATE BILL NO. 132 (establishing the Alaska Administrative Journal).

SB 132

SENATE JOURNAL - PAGE 333- 1 3/ 7/83

Senator Sturgulewski moved and asked unanimous consent that she be shown as a co-sponsor on SENATE BILL NO. 132 (establishing the Alaska Administrative Journal). Without objection, it was so ordered.

SB 132

SENATE JOURNAL - PAGE 537- 3 3/30/83

The State Affairs Committee considered SENATE BILL NO. 132 (establishing the Alaska Administrative Journal) and a majority of the committee recommended it be replaced with CS FOR SENATE BILL NO. 132 (SA) and do pass. The report was signed by Senator Vic Fischer, Chairman and concurred in by Senators Kelly, Sturgulewski and Roday. Senator Ray signed "do not pass".

Fiscal note appears in Senate Supplement No. 12 to today's Journal.

SENATE BILL NO. 132 was referred to the Finance Committee.

SB 132

SENATE JOURNAL - PAGE 911- 3 5/ 6/83

The Finance Committee considered SENATE BILL NO. 132 (establishing the Alaska Administrative Journal) and a majority of the committee recommended the State Affairs Committee Substitute be adopted and do pass. The report was signed by Senator Bennett, Co-Chairman and concurred in by Senators

Ferguson, Mulcahy, Josephson and Sackett. Senator Faiks signed "no recommendation".

SENATE BILL NO. 132 was referred to the Rules Committee.

# COMMITTEE REPORT

## SENATE

2/17/83

FURTHER: Finance

Date: 3-29-83

Mr. President:

The Committee on State Affairs has had SB 132

An Act establishing the Alaska Administrative Journal; and eff. date.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for SB 132  same title
- new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]  
[Signature]

[Signature] - do pass  
CHAIRMAN

SI. AFFAIRS file  
on June 7/14



JUNEAU, ALASKA

# Alaska State Legislature House

MESSAGE TO THE SENATE

Date June 13, 1983

MR. PRESIDENT:

The House ~~has~~ passed CSSB 132(SA) (establishing the Alaska Administrative Journal; and providing for an effective date) with the following amendment:

~~HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE'S~~ ESTITUTE FOR  
~~SENATE BILL NO. 132 (State Affairs)~~ am House (same title)

and it is ~~transmitted~~ *returned* for consideration.

*concern?*

*Natalie Altman for Irene Cashe*  
Chief Clerk of the House

A M E N D M E N T

Offered in the HOUSE

TO: HOUSE BILL NO. 259

Page 2, between lines 21 and 22, insert:

(g) The purpose of this section is to provide helpful information in addition to that being provided under other statutes. It is not intended to relieve persons of their obligation to use due diligence in protecting their interests that might be affected by state action related to the types of information specified in (a) of this section. No person acquires a cause of action for damages, based on the publication of information, or the failure to publish every item of information required by (a) of this section, in the journal.

Page 2, line 22:

Change "(g)" to read "(h)."

MR. CHAIRMAN: THANK YOU FOR THE OPPORTUNITY TO SPEAK IN SUPPORT OF SB 132, A BILL ESTABLISHING THE ADMINISTRATIVE JOURNAL.

AS YOU KNOW, I'VE BEEN WORKING ON THIS IDEA NOW FOR SEVERAL YEARS. THE ORIGINAL PURPOSE WAS TO CREATE A ONE-STOP-SHOPPING TYPE OF APPROACH TO GOVERNMENT INFORMATION. TAKE ALL OF THE PUBLIC NOTICES; PROPOSED REGULATORY CHANGES, ADOPTED REGULATORY CHANGES, ATTORNEY GENERAL OPINIONS, EXECUTIVE ORDERS, OPEN MEETINGS AND HEARINGS, NOTICES OF COMPETITIVE BID SOLICITATIONS, AGENCY REQUESTS FOR PROPOSALS, PROPOSED MINERAL AND TIMBER SALES AND ANY OTHER TIDBIT OF INFORMATION WHICH IS DAILY BEING CHURNED OUT OF OUR STATE GOVERNMENT AGENCIES AND MAKE IT AVAILABLE IN ONE PUBLICATION.

THE IDEA, WHILE I'D LIKE TO SUGGEST ITS NOVELTY, IS NOT NEW. THE FEDERAL GOVERNMENT PRINTS A DAILY FEDERAL REGISTER OF ITS PUBLIC INFORMATION AND 36 OF THE 50 UNITED STATES HAVE A JOURNAL OR REGISTER WHEREIN THEY PUBLISH THE TEXT AND IN SOME CASES THE SUMMARIES OF THEIR EXECUTIVE AND ADMINISTRATIVE ACTIONS.

MR. CHAIRMAN, WORD OF MOUTH GOVERNMENT SIMPLY DOES NOT WORK IN A STATE LITERALLY ON THE CUTTING EDGE OF DEVELOPMENT AND GROWTH. IT DISCOURAGES PUBLIC PARTICIPATION, TRUST AND FAITH IN THE ENTIRE MISSION OF GOVERNMENT: WHICH IS TO SERVE.

EACH OF YOU SHOULD HAVE A SECTIONAL ANALYSIS OF SB 132 IN YOUR MATERIALS. AS YOU CAN SEE, RESPONSIBILITY FOR PUBLICATION OF THE JOURNAL RESTS WITH THE LIEUTENANT GOVERNOR WHO CURRENTLY HAS RESPONSIBILITY FOR THE PUBLICATION OF THE ALASKA ADMINISTRATIVE CODE. IT REQUIRES THE ISSUER OF REGULATIONS, NOTICES AND THE LIKE TO PROVIDE COPIES TO THE LIEUTENANT GOVERNOR AS WELL AS OTHER INTERESTED PARTIES; IT ALLOWS FOR THE SALE OF SUBSCRIPTIONS TO OFFSET THE COST OF PUBLICATION AND DISTRIBUTION; IT PROVIDES THAT, OTHER THAN EMERGENCY

REGULATIONS, ANYTHING NOT PUBLISHED IN THE JOURNAL WILL NOT BECOME EFFECTIVE; PUBLICATIONS IN THE JOURNAL DO NOT REPLACE OTHER LEGAL REQUIREMENTS TO PUBLISH NOTICES IN THE NEWSPAPERS; AND FINALLY, THE BILL PROVIDES THAT THE PUBLISHER MAKE A MAGNETIC TAPE OF THE JOURNAL AVAILABLE TO THE LEGISLATIVE AFFAIRS AGENCY.

ON THE LAST POINT, I WOULD LIKE TO MAKE A SUGGESTION. AS I'VE WORKED ON THIS CONCEPT, I'VE TALKED WITH THE PREVIOUS LIEUTENANT GOVERNOR AND NOW LIEUTENANT GOVERNOR McALPINE. BOTH HAVE CONCEPTIONALLY SUPPORTED LEGISLATION TO ESTABLISH A JOURNAL. ONE OF THE BILL'S FAILINGS HAS BEEN THAT THE FISCAL IMPACT HAS BEEN TOO LARGE TO WARRANT THE EFFORT. I'VE FOUGHT LARGE FISCAL NOTES BECAUSE I'M CONVINCED THAT WE CAN ACCOMPLISH THE GOAL WITHOUT INCURRING LARGE COSTS. THERE ARE, HOWEVER, SOME UNKNOWN'S WHICH ADD TO THE UNCERTAINTY OF COSTS. SOME OF THESE INCLUDE: HOW MANY PEOPLE OR ORGANIZATIONS MIGHT BE INTERESTED IN SUCH A JOURNAL; HOW MUCH WOULD THEY BE WILLING TO PAY FOR IT; HOW CAN WE COORDINATE STATE AGENCY EFFORT TO GATHER AND TRANSMIT THE INFORMATION AND SEVERAL OTHERS.

AS A RESULT, THE LIEUTENANT GOVERNOR AND I HAVE COME UP WITH AN IDEA WHICH WILL AFFECT THE BASIC THRUST OF SB 132 AND AT THE SAME TIME ASSUAGE THE UNCERTAINTY.

THE COMMITTEE SHOULD HAVE BEFORE IT A SUBSTITUTE BILL WHICH WILL AFFECT AN 18 MONTH TRIAL RUN OF THE JOURNAL. RATHER THAN AN ACTUAL PUBLICATION, EACH ISSUER OR AGENCY WOULD BE REQUIRED TO PROVIDE A COMPATABLE MAGNETIC TAPE FORMAT OF THEIR ACTIONS TO A COORDINATOR IN THE LIEUTENANT GOVERNOR'S OFFICE WHO WILL PROCESS THE MATERIALS FOR ACCEPTANCE BY THE LEGISLATIVE AFFAIRS AGENCY.

THE IDEA IS SIMPLE. PROVIDE THE INFORMATION WE REQUIRE TO LEGISLATIVE AFFAIRS DATA PROCESSING. THEY ARE GEARED-UP WITH THE EQUIPMENT AND PERSONNEL TO ALMOST INSTANTANEOUSLY TRANSLATE THE

INFORMATION ONTO THE LEGISLATIVE COMPUTER NETWORK WHICH OPERATES IN 18 LEGISLATIVE INFORMATION OFFICES THROUGHOUT THE STATE AS WELL AS INDIVIDUAL LEGISLATORS' OFFICES IN MANY CITIES. ANY INTERESTED PERSON CAN ACCESS THE "JOURNAL" INDEX AND CALL UP THOSE PORTIONS WHICH ARE OF INTEREST AND COPY THOSE PAGES AND INFORMATION. AS PART OF THE TRIAL RUN, WE WOULD ASK USERS OF THIS INFORMATION TO ANSWER BASIC DATA GATHERING QUESTIONS WHICH WILL ESTABLISH THE TRACK RECORD FROM WHICH WE CAN MAKE EDUCATED DECISIONS ON THE PUBLICATION OF A HARD COPY ADMINISTRATIVE JOURNAL.

WHILE THIS MAY SOUND FAR FETCHED, IT IS NO NOVELTY EITHER. OTHER STATES WHICH CURRENTLY HAVE HARD COPY JOURNALS ARE PUTTING THIS DATA ON STATE COMPUTERS FOR QUICKER REFERENCE AND ACCESS. NOT ONLY DO WE BEAT THE HIGH COST OF PUBLICATION AND DISTRIBUTION, BUT WE CONTINUE TO MOVE INTO THE 21ST CENTURY AND WHAT WE KNOW WILL BE AN ALMOST TOTAL RELIANCE ON WORD PROCESSING AND DATA GATHERING COMPUTERIZED SYSTEMS. ALASKA HAS FOR YEARS BEEN IN THE VANGUARD OF HIGH TECH DEVELOPMENT AND UTILIZATION IN THE COMMUNICATIONS FIELD. IT IS MY HOPE THAT THE COMMITTEE WILL ACT FAVORABLY ON THE SUBSTITUTE LANGUAGE TO SB 132 AND I WOULD BE HAPPY TO ANSWER ANY QUESTIONS THE COMMITTEE MIGHT HAVE. THANK YOU, MR. CHAIRMAN.

Sectional Analysis to SB 132, to establish the Alaska Administrative Journal.

Sec. 1 amends Sec. 44.62 (Administrative Procedure Act) by adding new section to Article 3 (Alaska Administrative Register and Code) establishing the Alaska Administrative Journal.

(a) Vests responsibility for publishing or contracting to publish the Journal with the Lieutenant Governor, bi-weekly. Lists those notices which shall be included in Journal, they are:

- (1) Proposed actions;
- (2) State meetings;
- (3) Notices of bid solicitations (competitive bids);
- (4) Agency RFPs;
- (5) Executive orders;
- (6) Executive (Departmental also) delegations of authority;
- (7) Text of regulations, proposed or adopted, not exceeding 16 legal-sized pages - Commissioner allowed discretion to reduce this page limitation;

(b) Requires issuer of notices (as above) to send copies to publisher of Journal, and interested parties including those who may have requested notice for the purposes of a private publication;

(c) Allows for the sale of subscriptions to offset the cost of publication and distribution;

(d) Provides that, other than emergency regulations, those NOT published in the Journal will not become effective;

(e) Publications in the Journal do not replace legal requirement to publish in the newspaper;

(f) Requires the provision of a magnetic tape of each publication to the Legislative Affairs Agency by the publisher;

(g) Defines "Journal"

Sec. 2 Provides for first publication of Journal no later than 120 days from effective date.

Sec. 3 effective date: immediate.

# MEMORANDUM

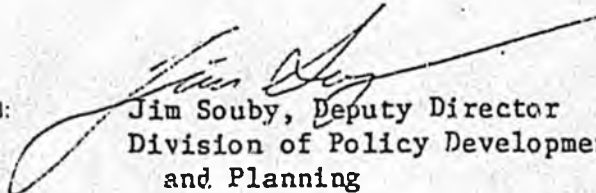
# State of Alaska

TO: Keith Specking  
Legislative Assistant  
Office of the Governor

DATE: April 27, 1981

FILE NO:

TELEPHONE NO: 465-3573

FROM:  Jim Souby, Deputy Director  
Division of Policy Development  
and Planning

SUBJECT: CSSB6 - Alaska Administrative  
Journal

The concept of an administrative journal is one DPDP has supported for several years. It should be an efficient, legible means for announcing state activities and actions on a regular basis.

Staff suggests adding state employment announcements to the list of items to be published under Section 44.62.175. Other items may, of course, be added. It is then left to the Lt. Governor to determine whether any private publication meets the same need and whether the journal could be discontinued as a state enterprise.

Major problems and opportunities may arise with the choice of way in which this bill is implemented. First, the journal is likely to capture revenues that would have gone to support private newspapers around the state. Current Juneau Empire charge for legal notices are about 70¢-80¢ per line. Job announcements range from 44¢-67¢ per word, depending on how long the announcement runs. Regional newspapers are likely to lose money to the journal.

To counter that effect, why not publish the journal as a supplement to regional newspapers, wholesaling it to those papers who may distribute it with (or separate from) their regular circulation? This would take advantage of existing circulation mechanisms, allow the state to recoup its costs, and afford some profit to private papers.

In any case, the timely publication of the journal lends itself to the use of electronic mail and typesetting. In order to improve on the simple technique of using private publications to get the information out, we must rely on fast compilation, editing, and publishing. This can be done by installing the equivalent of a "Silent 7000" modem in each division of the state. Prior to a designated publishing date for the journal, each division would type in (or enter from magnetic cards) items for inclusion in the next journal. The information would be transmitted to a central processor and stored, waiting for the journal editor in the Lt. Governor's office to arrange the material into the journal format, assisted by a text editor program. Once the material is in proper format, it may be electronically transmitted to a publisher or publishers having electronic typesetting. If the journal is a supplement to regional newspapers, it could be published locally or centrally for regional distribution.

The costs of the information entry machines in each division should not be charged totally to the journal. Such electronic mail devices have a wide range of uses as substitutes for letters, telegrams, etc. If each

division of the state had at least one, electronic mail could become a universal means of correspondence, saving time over letters, and money over phone calls. Information coming in can be stored for later access and use, or it can be responded to immediately if both parties (or several people) are at their terminals simultaneously.

The fiscal note for this bill and subsequent appropriations might consider the costs and benefits of such technology.

cc: Terry Miller, Lt. Governor  
Bettye Fahrenkamp, Senator

TELECOPY COVER SHEET

TO: SENATOR VIC FISCHER, CHAIRMAN PHONE: 465-4854  
SENATE STATE AFFAIRS COMMITTEE

FROM: LEW M. WILLIAMS JR, PRESIDENT PHONE: 225-3157  
ALASKA NEWSPAPER ASSOCIATION

INSTRUCTIONS: Please see that Mr. Fischer gets this before 3 p.m. today.

RECEIVED: DATE: 3/29/83 TIME: 10:15

SENT: DATE: 3/29/83 TIME: 10:25

BY: (YOUR OFFICE & PHONE NUMBER)

DISPOSAL OF ORIGINAL: THROW AWAY:

HOLD FOR PICK UP: \_\_\_\_\_

NUMBER OF PAGES One (NOT COUNTING THIS COVER SHEET)



PIONEER PRINTING CO.

KETCHIKAN DAILY NEWS  
SOUTHEASTERN LOG

29 March, 1983

Sen. Vic Fischer, chairman  
Senate State Affairs Committee  
Juneau, Alaska 99811

I've been asked by the directors of the Alaska Newspaper Association to reiterate a stand we took last year against creation of an Alaska register or administrative journal, as proposed again this year in SB 132. Our association represents 33 daily and weekly newspapers in the state.

We are aware of the arguments that the register won't compete with private publications, that it could be self-supporting from subscriptions. We doubt it would ever become self-supporting because there is no incentive to do so, and we've heard of no demand for the publication.

Our opposition to the register is not from fear of competition but from what we see as little demonstratable need. It's a waste of money and needlessly expands the state payroll.

We appreciate that you had your staff advise us of the hearing on SB 132 Tuesday at 3 p.m. If possible can we be advised of your committee's action on the bill and its next destination?

Len M. Williams, Jr. President Alaska Newspaper Association  
P.O. BOX 7500, 501 DOCK STREET, KETCHIKAN, ALASKA 99801 (907)225-3157

## Chapter 62. Administrative Procedure Act.

### Article

3. The Alaska Administrative Register and Code (§ 44.62.130)
4. Procedure for Adopting Regulations (§§ 44.62.190, 44.62.240)
8. Administrative Adjudication (§ 44.62.330)

### NOTES TO DECISIONS

Cited in *In re Simpson*, Sup. Ct. Op. No. 2517 (File No. 5963), P.2d (1982).

### Article 1. Application and Effect.

#### Sec. 44.62.010. Application to State Organization Act of 1959.

### NOTES TO DECISIONS

Cited in *Dresser Indus., Inc. v. Alaska Dep't of Labor*, Sup. Ct. Op. No. 2415 (File No. 5625), 633 P.2d 998 (1981); *Wien Air Alas., Inc. v. Department of Revenue*, Sup. Ct. Op. No. 2527 (File No. 5594), P.2d (1982).

### Article 3. The Alaska Administrative Register and Code.

#### Section

#### 130. Codification and publication

**Sec. 44.62.130. Codification and publication.** (a) The lieutenant governor shall provide for the continuing compilation, codification and publication, with periodic supplements, of all regulations filed by his office, or of appropriate references to any regulations the printing of which he finds to be impractical, such as detailed schedules or forms otherwise available to the public, or which are of limited or particular application. The publication of compiled regulations is the Alaska Administrative Code. The periodic supplements to it are the Alaska Administrative Register. The code and register shall contain appropriate annotations to judicial decisions and opinions of the Alaska attorney general.

(b) The Department of Law shall prescribe a uniform system of indexing, numbering, arrangement of text, and citation of authority and history notes for the Alaska Administrative Code. (§ 1 art III (ch 1) ch 143 SLA 1959; am § 1 ch 70 SLA 1966; am § 6 ch 40 SLA 1969; am § 101 ch 59 SLA 1982)

Effect of amendments. — The 1982 legislative council in subsection (b) and other, minor changes. amendment, effective May 28, 1982, substituted "department of law" for "legisla-

### Article 4. Procedure for Adopting Regulations.

#### Section

#### Section

#### 190. Notice of proposed action

**Sec. 44.62.190. Notice of proposed action.** (a) At least 30 days before the adoption, amendment, or repeal of a regulation, notice of the proposed action shall be

(1) published in the newspaper of general circulation, or trade or industry publication, which the state agency prescribes;

(2) mailed to every person who has filed a request for notice of proposed action with the state agency;

(3) if the agency is within a department, mailed or delivered to the commissioner of the department;

(4) when appropriate in the judgment of the agency, (A) mailed to a person or group of persons whom the agency believes is interested in the proposed action, and (B) published in the additional form and manner the state agency prescribes;

(5) furnished the Department of Law together with a copy of the proposed regulation, amendment, or order of repeal for the department's use in preparing the opinion required after adoption and before filing by AS 44.62.060;

(6) furnished to all incumbent State of Alaska legislators and the Legislative Affairs Agency;

(7) furnished to the standing committee of each house of the legislature having legislative jurisdiction over the subject matter treated by the regulation under the Uniform Rules of the Alaska State Legislature, together with a copy of the proposed regulation, amendment, or order of repeal for the committee's use in conducting the review authorized by AS 24.37.010.

(8) furnished to the staff of the Administrative Regulation Review Committee.

(b) If the form or manner of notice is prescribed by statute, in addition to the requirements of filing and mailing notice under this chapter, the notice shall be published, posted, mailed, filed or otherwise publicized as prescribed by the statute.

(c) The failure to mail notice to a person as provided in this section does not invalidate an action taken by an agency under AS 44.62.180 — 44.62.290. (§ 5 art IV (ch 1) ch 143 SLA 1959; am § 2 ch 149 SLA 1962; am § 1 ch 3 SLA 1968; am § 16 ch 143 SLA 1968; am § 4 ch 64 SLA 1978; am § 5 ch 1 SLA 1982)



# Greater Fairbanks

## CHAMBER OF COMMERCE

550 First Avenue

Member:

U. S. Chamber of Commerce  
Alaska State Chamber of Commerce  
Pacific Northwest Trade Ass'n.  
National Better Business Bureau

FAIRBANKS  
ALASKA 99701

February 14, 1980

Senator Betty Fahrenkamp  
Pouch V  
Juneau, Alaska 99811

Dear Betty,

The Fairbanks Chamber of Commerce Legislative Committee held a meeting today and considered sponsor substitute for Senate Bill No. 355 which was co-sponsored by you.

This bill relates to establishing and publishing an administrative journal.

A motion was made and passed unanimously supporting your bill and recommending that an Administrative Journal, patterned after the Federal Register, be established and published for the State of Alaska.

The committee would like to have you consider one small addition to the bill. As currently worded, state agencies would have to publish notices in the journal only if required by State Law. Our recommendation would be to have all notices published in the journal even though some may not be specifically required by state law.

Sincerely,

*Tom Owen*

Tom Owen  
Chairman  
Legislative Committee

TO/skm

*notices" is too all  
nebulous. I suggest  
leaving bill as is -  
I don't know  
I think they have  
a point worth  
thinking about  
na*

*By the way  
Tom is in  
Juneau*



OF COUNSEL  
W E MONAGLE

ROBERTSON, MONAGLE, EASTAUGH & BRADLEY

ROBERT B BAKER  
LEROY J BARKER  
L O BERRY  
C R RICH  
WM RONALD HULEN

R E ROBERTSON 11885-19611  
F C EASTAUGH  
J B BRADLEY  
WILLIAM G RUDDY  
L B JACOBSON  
MICHAEL T THOMAS  
JAMES F CLARK  
PAUL M HOFFMAN  
J P TANGEN  
DEBORAH A HOLBROOK  
C ELIZABETH CUADRA  
HAROLD E SNOW, JR.  
PAMELA L FINLEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

POST OFFICE BOX 1211

JUNEAU ALASKA 99802

ANCHORAGE OFFICE

601 WEST FIFTH SUITE 510

ALASKA MUTUAL BANK BLDG.

POST OFFICE BOX 679

ANCHORAGE, ALASKA 99510

PHONE 1907-277-6693

CABLE ROMEA

TELEX 090-26-486

March 18, 1980

JUNEAU OFFICE

200 NBA BUILDING  
POST OFFICE BOX 1211  
JUNEAU ALASKA 99802  
PHONE (907) 586-3340  
CABLE ROMEA  
TELEX 099-48-376

The Honorable John Sackett, Chairman  
Senate Finance Committee  
Alaska State Legislature  
Pouch V  
Juneau, Alaska 99811

Re: CS SS SB 355

Dear Senator Sackett:

This is to express our support for Senate Bill 355, which would establish the Alaska Administrative Journal and require that certain proposed regulatory and other actions be published therein.

Adoption of Senate Bill 355 would greatly improve the possibilities for public participation in state agency rulemaking. Even our corporate clients sometimes have difficulty being reliably notified of proposed agency regulations in time to develop comments on them. The situation must be far more difficult for individual citizens. Adoption of SB 355 would regularize the process of public notification of proposed agency actions and regulations. The overall expense to the State Government might well be decreased, compared to the present agency custom of mailing copies of proposed regulations to each person who has indicated an interest in the topic. With respect to proposed regulations and other proposed agency actions, executive orders and administrative orders, the Alaska Administrative Journal would fulfill the same function for the State of Alaska as the Federal Register performs for the Federal Government.

With respect to state agency requests for proposals and notices of solicitations to bid, the Alaska Administrative Journal would fulfill the same function as the Commerce Business Daily fulfills for federal agencies.

The Honorable John Sackett, Chairman  
March 18, 1980  
Page Two

Judging from controversies in the press over state bid solicitation procedures over the past year or so, some regularization of this process is needed, and publication of all state agency RFPs and notices of solicitation to bid in an Alaska Administrative Journal would go a long way toward equalizing the chances for various bidders.

In summary, we support enactment of CS SS SB 355 in its present form.

Sincerely yours,

James F. Clark

JFC:DEC:sd

cc: The Honorable Bob Mulcahy  
(Chairman, Senate State Affairs Committee)  
→ Senator Fahrenkamp  
Senator Sumner

**LEGISLATIVE**  
**REPORTING**  
**SERVICE**

ANN GARDINER METCALFE

KIMBERLY M. HELMAR

510 KENNEDY STREET  
JUNEAU, ALASKA 99801

(907) 586-6672

January 26, 1981

Senator Bettye Fahrenkamp  
Pouch V  
Juneau, Ak. 99811

Dear Senator Fahrenkamp:

We would like to express our support for Senate Bill 6, the creation of the Administrative Journal. During the past year we have researched the feasibility of beginning such a publication privately, and we feel that it is, at the present time, an impossibility without the enactment of a law requiring the various departments and divisions of the state to submit, upon request, copies of proposed regulations, requests for proposals, executive orders, etc., to interested parties.

On July 15 of last year we did a mailing to all of the state departments and divisions requesting that our name be put on their mailing list to receive copies of all notices, etc., and the response to the mailing was indicative of the need for some kind of centralization of this process. Most departments complied with our request immediately, but it was apparent that at the divisional level there was confusion as to who was responsible for promulgating regulations, and whether or not the division did indeed generate any at all. Being as there are over 200 divisions within the state government you can imagine what an organizational effort it would take to get them all to comply with a request from a private publisher, without having a law on the books stating that they must send the information in a timely manner to those so requesting it.

Aside from our initial mailing we followed up with telephone contacts, and have talked several times to Danith Anderson in the Lieutenant Governor's office regarding publication. We have cross-checked what information we do receive with what appears in state newspapers and find that we could not offer our clients such a service without being sure that we are receiving everything.


We have had numerous requests from clients currently subscribing to the LEGISLATIVE REPORTING SERVICE for information pertaining to the regulatory

process in Alaska, and we would be interested in providing such a service. We feel that a weekly report on regulatory changes would be a logical expansion for our current business, and that our mailing list of LRS clients would provide a basis for which to begin such a publication. We would enjoy working with you and with the Lieutenant Governor's office on such a project, and we will offer testimony on behalf of the bill if so requested.

Sincerely,



Kimberly Metcalfe Helmar



& Ann Gardiner Metcalfe

# Alaska Newspaper Association

May 20, 1981

**FOUNDING MEMBERS**  
Incorporated Dec. 6, 1980

**ROBERT B. ATWOOD**  
*The Anchorage Times*

**KATHERINE FANNING**  
*Anchorage Daily News*

**LOREN STEWART**  
*Cheshako News, Kenai*

**MAX SWEARINGEN**  
*Peninsula Citizen, Kenai*

**GLEN COBB**  
*The Frontiersman, Palmer*

**TOM GIBBONEY**  
*Homer News*

**JIM C. MARTIN**  
*Alaska Journal of Commerce*

**G. KENT STURGIS**  
*Fairbanks Daily News-Miner*

**LEW WILLIAMS**  
*Ketchikan Daily News*

**CARL SAMPSON**  
*Juneau Empire*

**TOM SNAPP**  
*All-Alaska Weekly*

The Honorable Joe Chuckwuk  
House Judiciary Committee  
Pouch V  
Juneau, AK 99811

*SB6*

Dear Representative Chuckwuk:

The members of the Alaska Newspaper Association are extremely concerned that Senate Bill 6, creating a state-published "Alaska Administrative Journal," would be contrary to the best interest of the public. Although we understand the original intention of the bill is not to create a legal journal that would compete with Alaska's newspapers, such an administrative journal could later be expanded to become a vehicle for legal advertisements. We vigorously oppose Senate Bill 6 for the following reasons:

1. Creating and distributing a state publication to inform the public of matters they currently find in their newspapers puts the government in competition with privately-owned newspapers and would create a monopoly with which legal advertisers must deal.
2. This would extend government's activities, instead of minimizing them. The public has been shown to be opposed to ever-expanding bureaucracy.
3. The public's right to know would be limited. Only state publication subscribers would be informed. This undermines the public's right to be informed of proposed legislation, of meetings, and of opportunities to bid.
4. The proposed publication would come out only every two weeks, as opposed to daily publication in the newspapers. We provide much more timely and frequent opportunities to publish notices.
5. It is doubtful the state could gather the notices, typeset them, proofread them, provide affidavits and billing, paste-up pages, print and mail the publication for less than they're paying newspapers to provide that service--and distribute the notices to many more people.

Why should the government go to the expense of providing a service newspapers can provide better and cheaper?

*Anchorage Daily News  
Pouch 6616  
Anchorage, 99502*

Sincerely,  
*Katherine Fanning*  
Katherine Fanning  
President, ANA

cc: House Judiciary Committee  
ANA Board of Directors

# Alaska Journal of Commerce

& Pacific Rim Reporter

715 L Street, Suite 5 • Anchorage, Alaska 99501 • (907) 278-3723

May 26, 1981

SB6

Representative Fred Brown  
Chairman, House Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Rep. Brown:

Since our letter of several days ago concerning Senate Bill 6, "Alaska Administrative Journal," we have been informed that the fears and warnings expressed in that letter have been tossed off as "misinformed."

We disagree and are moved to write this second letter to underscore our continuing and increasing concern for the havoc SB6 will wreak if it is passed.

It is our general contention that very little understanding of the ramifications of the bill is evinced among its sponsors and even less of the cost such a bill would create.

In the first letter we were concerned with the bill supplanting the current system of legal advertising notices. Apparently our concerns were summarily 'junked' because, as one of the bill's supporters said, "nothing in the bill says that."

It remains our concern that the present system would be supplanted. As you well know there is support for amending the bill to do just that. But even if the bill is put into law with no such amendments; it is our belief it will only be a matter of time before the law is later amended to supplant legal advertising. Our concerns listed in the first letter were not mininformed.

Express it any way you desire, the intent of SB6 is to supplant the current system -- both in the areas of rules and regulations and in the public notice process. Recent communications continue to confirm our original fears.

Since the panel charged with taking testimony met only the bare minimum requirements for notice, the Alaska Journal of Commerce made inquiries on its own and would like to pass the results on to you.

Chase Construction, Anchorage, office manager: "We are amply covered by the current system and would see no reason to subscribe. Such a journal would be valuable only if the present system were done away with."

Stack Steel, Anchorage, general manager Chuck Groat: "We currently are well covered by the appropriate bid lists, and see no justification for such a journal. I must admit I don't feel very positive about it (the Journal)."

Hoffman Construction, Anchorage bid supervisor: "We are happy with the present system and would not be a subscriber. If you supplant the present system with such a Journal, every other week would not be current enough; and if you are not supplanting the present system for the journal, there is no need."

Howard Gray & Assoc., Geologists & Engineers, Anchorage, office manager: "This would interfere with private enterprise and has no business being in the state sector. We would have no use for it and certainly wouldn't pay for it. The present system works and if the current system is not supplanted there is no need for such a journal. This seems a duplication of the present system and should be recognized as a 'busy work job' to add more state employes."

Associated General Contractors, Glenn Glenzer, executive director, Anchorage: "It sounds like a state version of 'Tass' to me; the next thing the state will want to do is put out a newspaper. Such a journal interferes with free enterprise. If this journal were to supplant the present system -- which works well -- it would amount to state 'blackmail,' forcing us to buy it."

Hughes, Thorsness, Katz, Powell & Brundin, attorneys, Anchorage, Dennis O'Brien, office manager: "We have 14 attorneys who would not read it; they don't read the Federal Register or the Administrative Code. If this were really needed, it would have been around a long time ago. We would not subscribe, why should we pay for state information? We would definitely not use it to get new clients; that would be a violation of our ethics code."

National Electrical Contractors Assn., office manager, Anchorage: "We would have no use for it. For the past 12 years we have subscribed to the Administrative Code, largely out of habit. With the exception of putting in new sections and dusting the volumes, no one uses it."

Frontier Oilfield Services, Mr. Scott: "Wouldn't subscribe and would have no use for it."

Nabors Drilling, Nick Seminik, Anchorage: "We would have no need for such a journal and would certainly not pay a subscription price for state information."

Kodiak Oilfield Haulers, Vern McKenzie: "I might subscribe to it personally because I'm interested in that sort of thing; however the subscription price would have to be fixed and not reflective of the number of subscribers. As far as our business is concerned, such a journal would make little or no difference."

ATCO Structures, Mark Osborn, Anchorage: "I do our bids, and we aren't missing anything with the present system. There's no need for something like this (the journal), why do it?"

Herbert Ross, attorney, Anchorage: "I don't see how you could justify the subscription price. If I need that sort of information, I go to the law library and look it up; this is just another way to spend money. The only attorneys who would use it are those in various state departments who would be inputting to it also."

The four major points we draw from the above comments are that SB6 would be:

- a) just another waste of money;
- b) very little interest in subscribing;
- c) the present system works fine; and,
- d) if the present system were supplanted, it would reach less people and would amount to "state blackmail."

We continue to be amazed with the effort -- or lack of it -- that went into researching the cost of such a journal. The financing estimates are patently absurd and incredibly naive of what it really costs to publish such a journal.

Everything we said in our first letter concerning subscriptions and costs (i.e., if the subscription price is too low, it won't cover costs; and if set high enough to cover costs, it would defeat the purpose of reaching large numbers of citizens) remains true.

Rep. Brown letter, page 1

Naive is not the right word. Deliberately -- culpably -- naive is much more appropriate. There was no effort to ascertain a real cost. You, Rep. Brown, confirmed this when you told us the Finance Committee effort to assess costs was geared to making the bill 'passable,' rather than an honest assessment of costs. Your exact words were: "disregard those cost estimates, they're tainted."

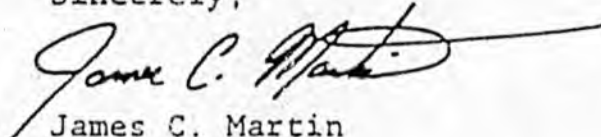
We already know of one individual who intends to privately initiate such a 'journal' for publishing rules and regulations, among other things; just as SB6 proposes. And we also know the legislators supporting SB6 are aware of this individual's efforts.

Our question is this: given the strong conviction that the present system is good and adequate; and, furthermore, given the pending rules and regulations journal by a private firm -- where is the justification or need for an Alaskan Administrative Journal?

Aside from a purely pork barrel/patronage effort to create a few juicy state jobs for friends, padding the already bloated state employment rolls; we see no justification.

We eagerly await your response.

Sincerely,



James C. Martin  
General Manager

JCM/bt

# Alaska Journal of Commerce

& pacific rim reporter

715 L Street, Suite 5 • Anchorage, Alaska 99501 • (907) 278-3723

Representative Fred Brown  
Chairman, House Judiciary Committee  
Pouch V  
Juneau, Alaska 99811

Dear Rep. Brown:

We are extremely disturbed to note the introduction and progress of Senate Bill 6, "Alaska Administrative Journal," and see it as a clear and present threat to the livelihood of our business, publication of the Alaska Journal of Commerce.

Further, our research into the matter indicates SB6 is likely to be amended to make it fit the requirements of being the only vehicle for public notices. Such an action would work a significant hardship on every newspaper in the state, especially the small, community weeklies.

The Alaska Journal of Commerce is not a small, community weekly; it is a statewide business and commercial newspaper designed, on inception, five years ago to fulfill many of the requirements of SB6. We would note the publishing of legal notices as required by law does constitute some 16 per cent of our gross revenue on an annual basis.

Our position on SB6 is clear: we see no reason for the state to compete in an area handled quite nicely by private enterprise.

Not only is this government competition with private enterprise, it is unfair competition. Section 7 (a) indicates subscriptions would be sold, calculated to offset the cost of its publication and distribution -- in other words printing and mailing. No provision is made that subscription revenue also cover gathering, typing and other administrative expenses that also go into publication of such a journal.

If that subscription price is set high enough to cover even only printing and mailing costs (and we know this from experience), the subscription price will be so high as to preclude wide and effective distribution; thereby defeating the purpose of the journal. If the subscription price is set low to get wide coverage, you simply will not generate the revenues sufficient to cover even the aforementioned costs.

Such a journal will represent unfair competition with private enterprise and only add to the burgeoning of government in the state. Even if printing and mailing costs are met by subscription revenues, a bureaucracy would still be needed in the Department of Administration to gather the information, organize and format it and get it ready for publication; i.e., more workers on the state payroll taking away jobs currently provided by private enterprise.

Furthermore, we see the journal as a reneging of the state's responsibility of informing the citizenry of rules, regulations and public notices. Currently the general public knows -- by many years of history and tradition -- that he/she can get this information from the local newspaper, post office or, in some Bush areas, at the Wien Air Alaska Terminal.

Now you are asking the citizen to buy yet another publication which only covers state information. The citizen will still have to buy the local paper to get information that will not have been published in the so-called administrative journal. You have not only made it more expensive for that citizen to stay abreast of information, you have also now conveniently absolved yourself of the responsibility to get legal notices out to the general public other than your journal.

The flaw in the thinking is this: if you contend the present system of publishing legal notices in newspapers of general circulation is not meeting the duty of informing the public; we find it incongruous and illogical to try to meet that supposed need by publishing what we feel will be another "newspaper of general circulation."

What started out -- we feel -- as an honest effort to make the citizen of this state more aware of what state government is doing, will devolve into an abrogation of that duty.

We should digress for a note of importance. A quick look at the Journal of Commerce will see it is used extensively for publication of paid legal notices. But a closer look will see a number of items -- not legal advertisements -- that are published free of charge. We have for years published Anchorage municipal bid notices at no cost and, effective Jan. 1, 1981, have been publishing state Department of Administration bid notices from the Division of General Services & Supply -- again, free of charge. If a budget exists for payment of such notices, naturally we would want to be a part of it. But if no such budget exists and there is sufficient reader interest in the material, we will print it free of charge, albeit in a more condensed form than a formal, paid legal notice.

Please note Section 7(d) which provides for discontinuance of the administrative journal if the need is "being met by private publication." We would argue that need is being met and will continue to be met in the future.

In conclusion, we believe there is no need and little justification for an Alaska Administrative Journal and that publication by the state of same would be unfair government competition with private enterprise that would work a far greater hardship than any good it could bring.

Respectfully,



Bert Tarrant  
Editor, Alaska Journal of Commerce

BT/tb

cc: Representatives Abood, Adams, Anderson, Barnes, Beirne, Bettisworth, Brown, Buchholdt, Bylsma, Carney, Cato, Chuckwuk, Clocksin, Cotten, Cuddy, Duncan, Fanning, Freeman, Fuller, Gardiner, Grussendorf, Halford, Haugen, Hayes, Hurlbert, Malone, Martin, Meekins, Metcalfe, Miller, Montgomery, Moss, O'Connell, Phillips, Randolph, Rogers, Smith, Sutcliffe, Vaska, Zharoff.

Gov. Jay Hammond  
Lt. Gov. Terry Miller  
Atty. Gen. Wilson Condon

# Alaska Register

402 West Third Avenue  
Suite Eight  
Anchorage, Alaska 99501  
Phone (907) 276-4325

A part of Don Smith's Management Services

April 13, 1981

CSSB 6

Dear Representative Chuckwuk,

My purpose in writing is to let you know my views on CSSB 6 (am. Jud.). This bill would require the publication of an Alaska Administrative Journal.

I have been working for the past two years attempting to establish a similar report. My goal was to report on all items of a public nature generated by State Government. We have written or talked to all state agencies and asked to be copied on all public notice matters. Most agencies have been cooperative, however, we are not receiving all material. This has been our major stumbling block.

In general, I support the motives behind the bill. There needs to be a central clearing house for public notice items like proposed regulations, public meeting notice and the like.

I am concerned however that the language regarding publication of the information is oriented towards a state publication. I would like to see the language promote private publications and in the event that no one chooses to enter the field that then the state would produce it's own journal. I definitely plan to publish my reports. I'm simply waiting now for legislation to pass that would mandate the central clearinghouse.

My final concern should CSSB 6 pass is what will I have to do to convince the Commissioner of Administration that my publication is meeting the requirements set forth in AS 44.62.175 (d) of the bill. I would hate to be at the mercy of a commissioner who didn't like the way we designed our reports or the method we used in laying the documents out.

Page Two.

re: CSSB 6 am (jud)

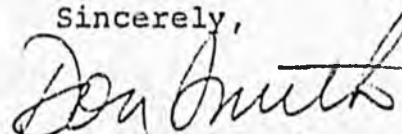
For example, I plan to offer four separate reports each week:

1. THE ALASKA REGISTER. In the Alaska Register you would be kept up to date on new rules and regulations being proposed by the State of Alaska, notice of public meetings, emergency regulations, public notice, requests for proposals, plus much more.
2. THE ALASKA UP/DATE. In the Alaska Up/Date you would receive information on major developments occurring in Alaska. These would range from oil implementation, oil activities, hydro development, Timber, fisheries, tourism, gas pipeline, petrochemical development, real estate, to name just a few.
3. JUNEAU REVIEW, In Juneau Review you would be kept up to date on significant activities of the Governor, the Legislature (not only during the session - but year round) including information on key legislative and interim committee activities plus highlights on major activities of the various state agencies.
4. ALASKA BID & BUILDING REPORT. In the Alaska Bid & Building Report you will be kept up on projects that are up for bid by state and local governments plus a review of building permits within the major cities of the state.

My publications would be available separately so that a person or company interested only in public notice and the like would only have to subscribe to the Alaska Register. Those that wanted additional data could subscribe to the other reports.

I appreciate your reviewing this matter. I do support the concept of the bill. My main concern is that every effort should be made to encourage a private publication.

Sincerely,



Don Smith.

S

B

1

3

7

CSSB137SA DOCUMENT= 10 OF 14 PAGE = 1 OF 2

BILL = CSSB137(SA)

ROOT = SB0137

BILL ROOT:

SB0137

BILL NUMBER:

CSSB137(SA)

INTRODUCED:

4/20/83

REFERRED: Finance

ORIG SPONSOR:

Faiks, Kerttula  
and Bennett

SPONSOR: BY THE STATE AFFAIRS COMMITTEE

BILL HEADING:

IN THE SENATE

CS FOR SENATE BILL NO. 137 (State Affairs)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - FIRST SESSION

A BILL

TITLE: For an Act entitled:

"An Act requiring certain public officers and employees who engage in lobbying to comply with the Regulation of Lobbying Act, and providing for an effective date."

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

\* Section 1. AS 24.45.161(a)(2) is amended to read:

(2) an elected or appointed state or municipal officer or an employee of the state or a municipality acting in an [HIS] official capacity or within

CSSB137SA DOCUMENT= 10 OF 14 PAGE = 2 OF 2

the scope of [HIS] employment, however this chapter does apply to an officer or employee who is an employee of the judicial branch of government, the University of Alaska, a municipality or a school district if a substantial or regular portion of the activities for which the officer or employee receives compensation is for the purpose of influencing legislative action,

\* Sec. 2. This Act takes effect immediately in accordance with AS 01.10.070(c).

END OF DOCUMENT

- 1) technical amendment: the word "public" should be inserted on line 12 before officer if existing statutory language is to be duplicated.
- 2) all state elected officials would remain exempt.
- 3) most state employees would remain exempt (exceptions: judicial employees (judges?), UA employees (regents?) if pass four hour test re legislative action). 3400
- 4) language on line 15 which states that chapter "does apply to an officer or employee who is an employee of the judicial branch, etc." is inartful because it may exclude officers (i.e., judges, regents and municipal officers) or conversely be interpreted in the broader sense to include these officers. An amendment might say: "does apply to an employee of the judicial branch and the University of Alaska and an officer and employee of a municipality, etc."
- 5) municipal employees (and perhaps elected officials - see No. 4) would be subject to AS 24.45 if such a person were to pass a four hour test re legislative action.
- 6) persons excluded from the exemption would, after passing four hours in a 30 day period re legislative action, be subject to entire chapter -- both legislative and administrative lobbying reporting.
- 7) the bill does not appear to authorize the APOC to modify the reporting requirements for public officials/employees; e.g., both lobbyist and employer would be required to report.
- 8) it appears that some 420 municipal officials/employees could be subject to the Law (computation "formula": counted assembly and mayor of each of the 11 boroughs and allowed 4 additional persons for each borough; 32 first class cities plus 13 second class cities x 6 for each city).
- 9) REAA officers/employees might be subject since bill includes reference to "a school district" on line 17.

STATE OF ALASKA  
THE LEGISLATURE  
LEGISLATIVE AFFAIRS AGENCY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

MEMORANDUM

March 28, 1983

SUBJECT: Coverage of school board

TO: Senator Vic Fischer  
Chairman, Senate State Affairs Committee  
Attn: David Dye

FROM: Edward H. Hein *EHH*  
Legislative Counsel

In relation to SB 137, you have asked whether school board employees and teachers are exempted from lobbying reporting requirements under AS 24.45.161(a)(2). That paragraph exempts employees of the state or a municipality when acting in an official capacity or within the scope of their employment.

AS 24.45 does not define "state employee" or "municipal employee", but it seems clear that school board employees and teachers are one or the other. REAA employees and teachers are probably state employees for the purposes of this statute; city and borough school board employees are probably municipal employees for purposes of this statute.

SB 137 would repeal this paragraph and apparently would have the effect of requiring school board employees and teachers to comply with lobbying requirements of AS 24.45.

EHH:ljb  
12/020

**FREE**

DL

Federation's Role in our Enterprise Economy



March 22, 1983

Senator Vic Fischer  
Chairman Senate State Affairs Committee  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Re: SB 137

Dear Senator Fischer:

The FREE Committee has recently reviewed Senate Bill 137 which would repeal AS 24.45.161 (a)(2) and thereby limit the lobbying activities of public officials unless they were registered lobbyists. Based upon previous research and upon this recent review, the FREE Committee wholeheartedly supports this legislation.

We believe that it is imperative that public officials and employees be held accountable for their activities just as private citizens are. Therefore, we urge you to support this bill without any changes.

Sincerely,

Cheri C. Jacobus,  
Chairman Legislative Study

# STATE OF ALASKA

## ALASKA PUBLIC OFFICES COMMISSION

*D. J. Dol*  
BILL SHEFFIELD, GOVERNOR

REPLY TO:

- 810 C STREET, SUITE 211  
ANCHORAGE, ALASKA 99501-3598  
(907) 276-4178
- JUNEAU BRANCH OFFICE  
POUCH CO  
JUNEAU, ALASKA 99811-0222  
(907) 465-4864

April 1, 1983

The Honorable Vic Fischer  
Alaska State Senate  
Pouch V  
Juneau, Alaska 99811

Dear Senator Fischer:

Thank you so much for your helpful and patient guidance during my appearance before the State Affairs Committee on March 29. You and the other members were most congenial.

Since the position paper on SB 137 provided by the Department of Administration addresses the Commission's concerns with the bill, I'll forego cluttering your files with a copy of my remarks; such was essentially a summary of the position paper anyway.

Theda and I have always found dealing with your staff to be a pleasant and informative experience. Our discussions with David Dye were certainly no exception.

Again, thank you for your help and please contact us if we can assist you on any matter.

Sincerely,

ALASKA PUBLIC OFFICES COMMISSION

*Vicki L. Rippie*  
Vicki L. Rippie  
Assistant Director

VLR/dh



Alaska Public  
Employees Association **APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Senator Vic Fischer, Chairman  
Senate State Affairs Committee

FROM: Cherie Shelley, Executive Director  
Alaska Public Employees Association

RE: SB 137

DATE: March 25, 1983

This bill would make all elected and appointed representatives, officials, and employees of the state and municipalities subject to the provisions of Alaska's lobbying law. This includes state legislators and their staff, the governor, his cabinet, local elected government officials and their staff, plus all other executive and judicial branch employees.

Lobbying activity is broadly defined to include almost any type of conduct or activity that has as its purpose the influence of legislative or administrative action. Under this bill, it is difficult to conceive of anything a legislator might do that would not be reportable. Likewise, legislative employees would find themselves required to report almost all their activities as lobbying. The same result would follow for executive branch officials and their employees.

The general philosophy and purpose behind the lobbying law is to make available to the public "the identity, income, expenditures and activities of those persons who pay, are paid or reimbursed to influence legislative or administrative action." AS 24.45.011.

As a practical matter the public already knows that its elected and appointed representatives are seeking to influence legislation, so little good comes from providing "old news." The same is especially true for other governmental employees, who in many cases are the best source of information and expertise on the effects of proposed legislation. To require them to comply with the paperwork demands of APOC will only impede and discourage communication between the executive and legislative branches.

"Lobbying" is generally thought of as the efforts of an individual or group seeking to promote their own personal aims and objectives. As

Fairbanks Field Office  
825-D College Road  
Fairbanks, AK 99701  
Telephone: (907) 458-5412

Anchorage Field Office  
833 Gambell Street, Suite A  
Anchorage, AK 99501  
Telephone: (907) 274-1188

Juneau Field Office  
227 4th Street  
Juneau, AK 99801  
Telephone: (907) 586-6305

Senator Vic Fischer, Chairman  
March 25, 1983  
Page Two

public servants and representatives, those individuals who would be required to report to APOC under this bill do not fit within this standard. As was said before, the public knows and expects that the persons carrying out their programs and policies will make their expertise and experience available to the legislature. Nothing new would be gained by making them report on activities that everyone knows are taking place.

This bill would only further burden state government with additional paperwork requirements, as both the official or employee and the employer (meaning the state) must submit detailed reports on a regular basis to APOC.

(Note: The passage of this legislation would have one good result - legislators and other state officials would learn at first hand that complying with APOC requirements can be a painful experience.)

CS/rm



# NEA - ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

**Robert C. Manners**  
Executive Secretary  
Juneau Office

**Robert C. Cooksey**  
Deputy Executive Secretary  
Juneau Office

**James D. Alter**  
Field Staff  
Juneau Office

**Charles L. O'Connell**  
Deputy Executive Secretary  
Anchorage Office

**Dianne Anderson**  
Field Staff  
Anchorage Office

**Steve Pulkkinen**  
Field Staff  
Anchorage Office

**Mary Ann Eininger**  
Deputy Executive Secretary  
Fairbanks Office

**JUNEAU OFFICE**  
147 SOUTH FRANKLIN #217  
JUNEAU, ALASKA 99801  
PHONE: (907) 586-3090

**ANCHORAGE REGIONAL OFFICE**  
1411 WEST 33rd  
ANCHORAGE, ALASKA 99503  
PHONE: (907) 274-0536

**FAIRBANKS REGIONAL OFFICE**  
825 COLLEGE ROAD  
FAIRBANKS, ALASKA 99701  
PHONE: (907) 456-4435

To: Senator Vic Fischer, Chair  
Members, Senate State Affairs Committee

March 30, 1983

Re: SB 137; "An Act requiring public officers and employees who engage in lobbying to comply with the Regulation of Lobbying Act (AS 24.45); and providing for an effective date".

NEA-Alaska opposes this legislation and encourages that the Committee not approve its passage.

It is our opinion that in requiring public school teachers and other public school district employees to comply with the registration and reporting requirements of AS 24.45 an undue burden is placed upon them in their expression of interest and concern for matters before the Legislature. Further, such a burden could have the effect of depriving the Legislature of data and information pertinent to legislation in the public interest.

We urge defeat of SB 137.

Respectfully submitted,

Robert Manners  
Executive Secretary

RM:li

# Alaska MUNICIPAL League

TELEPHONES  
(907) 586-1325  
586-6526

204 N. FRANKLIN ST.  
JUNEAU, ALASKA 99801

March 29, 1983

To: Senate State Affairs Committee

From: Ginny Chitwood, Executive Director

Re: SB 137 - Lobbying Act

As stated in Sec. 24.45.011, the purpose of Chapter 45 - Regulation of Lobbying is, "The Legislature finds and declares that the operation of responsible representative democracy requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to its committees, and to officials of the executive branch their opinions on pending legislation or administrative actions; and that the people are entitled to know the identity, income, expenditures, and activities of those persons who pay, are paid or reimbursed for expenses, or who make expenditures or their payments in an effort to influence legislative or administrative action".

The Alaska Municipal League agrees with the stated purpose, but disagrees that SB 137 is necessary to implement it, because the "identity, income, expenditures, and activities" of state and municipal officials and employees are already a matter of public record. Registering with APOC and filing monthly reports would be redundant.

Attached is a resolution adopted by the Kenai City Council.

Suggested by: City Council

CITY OF KENAI

RESOLUTION NO. 83-34

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA REQUESTING THE THIRTEENTH LEGISLATURE OF THE STATE OF ALASKA TO DEFEAT SB 137 INTRODUCED BY SENATORS FAIKS, KERTTULA AND BENNETT WHICH REPEALS THE EXEMPTION IN THE LOBBYING ACT OF THE STATE OF ALASKA FOR PUBLIC OFFICIALS WHICH PLACES LOCAL ELECTED PUBLIC OFFICIALS AND APPOINTED OFFICIALS IN THE SAME CATEGORY AS A PRIVATE PAID LOBBYIST.

WHEREAS, local elected and appointed officials work for and represent a locally constituted constituency and therefor are legitimate representatives of the people whom they serve who are also citizens of the State of Alaska, and

WHEREAS, eliminating elected and appointed public officials from the exemption of the lobbying act of the State of Alaska, places them in the same position as a privately paid lobbyist whose only concern is to represent private interests as opposed to the public interest and creates a hardship upon local elected and appointed officials in carrying out their responsibilities for the people who have elected and appointed them to represent the public's best interests by adding additional paperwork and expense to their responsibilities unnecessarily, and

WHEREAS, locally elected and appointed officials stand in the same stead to their constituency as do the duly elected legislators in the Thirteenth Alaska Legislature with the exception that legislator's constituency at times represent both incorporated and unincorporated local government constituencies, and

WHEREAS, it appears this legislation is personal interest legislation and in effect benefits private interest lobbyist groups and negatively affects local constituencies represented by elected and appointed officials, and

WHEREAS, with the passage of this legislation it would appear that the number of lobbyists would substantially increase whose only interest will be to represent private interest groups and on many occasions to the disadvantage of the constituencies throughout the State of Alaska.

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST

Bill/Resolution No.: SB 137  
Title: Public officers & employees subject to  
Sponsor: Faiks, Kerttula & Bennett  
Requestor: Senate State Affairs

II. FISCAL DETAIL

Agency Affected: Administration  
Program Category Affected:  
24.4 BRU, Program of Subprogram(s) Affected:  
Alaska Public Offices Commission

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		40.9	44.3	47.5	51.1	54.8
200 TRAVEL		3.0	3.2	3.4	3.6	3.8
300 CONTRACTUAL		13.0	13.8	14.6	15.5	16.4
400 COMMODITIES		.6	.6	.7	.7	.8
500 EQUIPMENT		17.4	0	0	0	0
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		74.9	61.9	66.2	70.9	75.8
CAPITAL		0	0	0	0	0
REVENUE		0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	74.9	61.9	66.2	70.9	75.8
FEDERAL FUNDS	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0

POSITIONS:

FULL-TIME	1	1	1	1	1
PART-TIME	0	0	0	0	0
TEMPORARY	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: Thel S. Pittman, Executive Director Phone: 276-4176  
Division: Alaska Public Offices Commission Date: 3/24/83  
Approved by Commissioner: Mrs S. M. ... Date: 3/29/83  
Department: Administration

Distribution:

Original to Legislative Finance  
Copy to Office of Management and Budget (for Legislature introduced bills)  
Copy to Department (for Governor introduced bills)

## SB 137 Fiscal Note

## ANALYSIS

Assumptions: All figures are in addition to the Governor's Request of \$590.6 for FY 84 (6 F/T and 3 P/T positions). The personal services estimates for FY 85-88 include an annual step increase, an annual 4% cost-of-living factor, and an employer charge of 32% of base salary to cover benefits - unemployment compensation, etc.

100 - Personal Services \$40.9

A new Regulations Specialist II position to handle additional questions and report auditing generated by state and municipal official and employees being subject to the Law.

200 - Travel 3.0

Anticipate AA III traveling twice to Anchorage to attend Commission meetings or hearings.

Airfare and per diem: \$1,080

Anticipate three trips to various municipalities to conduct workshops with officials and employees concerning requirements.

Airfare estimated at \$500 per trip: \$1,500  
two days per diem per trip: 480  
1,980

300 - Contractual 13.0

Telephone \$1.2

Postage \$.6

Printing (RSA Central Dup.) \$2.0

Legal Services (RSA to Dept. of Law; 6 hours/month  
@ \$100 per hour) \$7.2

Office Space (RSA to General Services & Sup) \$2.0

400 - Commodities .6

500 - Equipment (one-time items) 17.4

Word Processor Terminal \$15.9  
desk, chair, etc. \$1.5

FY 84 Total 74.9

FY 85: Delete one-time items; salary increase as noted above;  
inflation factor of 6%. 61.9

FY 86: Salary increase as noted above; inflation factor of 6%. 66.2

FY 87: Salary increase as noted above; inflation factor of 6%. 70.9

1.	POSITION TITLE Regulations Specialist II				RANGE/STEP 16A	BARG. UNIT X	FORM 12 PAGE/LINE	GOV.	APPRIN.	DISAPP.
2.	TYPE OF POSITION PFT	STAFF MONTHS 12	RP NUMBER	PCN NUMBER	BRU PRIORITY	LOCATION JNU	ELECTION DISTRICT	LEG.		
3.	CONTINUATION LEVEL				JUSTIFICATION					
4.	TYPE OF EXPENDITURE				AMOUNT					
	1		2		3					
	PERSONAL SERVICES									
5.	Salary 2591 X 12		31,092							
6.	Benefits		5,037							
7.	Supplemental Benefits		1,906							
8.	Fixed Benefits		2,880							
9.	TOTAL PERSONAL SERVICES		01		40,915					
10.	Travel		02		3,000					
11.	Contractual		03		13,000					
12.	Commodities		04		600					
13.	Equipment		05		17,400					
14.	Other									
15.	TOTAL COST				74,915					
	RECEIPT CODE	FUNDING SOURCE								
16.		Federal Receipts 1002								
17.		G.F. Match 1003								
18.		General Funds 1004		74,915						
19.		I-A Receipts 1005								
20.		Program Receipts 1028								
21.		Other								
FOR B&M USE ONLY										
4A KEY NUMBER										

If the Regulation of Lobbying Law is amended to include state and municipal officials, elected and appointed, as well as state and municipal employees, it is estimated that an additional 2,000 persons could become subject to the Law were they to attempt to influence legislative or administrative action. This increase would necessitate a sizeable educational/outreach program regarding when and how a public official/employee must register and report. The number of telephone and written inquiries received by the APOC would increase dramatically and the number of registered lobbyists and employers of lobbyists filing reports would at least double. The resultant workload increase would require the full-time services of a Regulations Specialist II.

Job Duties: Establish and monitor systems for persons subject to the Regulation of Lobbying Law; develop forms and manuals for persons subject to the Lobbying Law; interpret the Regulation of Lobbying Law (and Administrative Regulations) for affected individuals and other interested persons; conduct informal preliminary investigations of complaints against persons subject to the law; write policy decisions, papers and proposed Administrative Regulations for Commission review and action; audit lobbyist and employer of lobbyist reports; prepare monthly and quarterly summaries based upon information contained in reports; monitor legislation affecting the Commission and attend Legislative Committee meetings as required. Supervise Administrative Assistant II and Clerk III.

13 REQUEST FOR  
NEW POSITION

AGENCY Department of Administration  
PROGRAM Independent Operations  
BRU Alaska Public Offices Commission  
COMPONENT Alaska Public Offices Commission

FY 84

Page of  
Revised Date

SB 137

Position Paper

SB 137 would repeal the current exemption from the provisions of AS 24.45 -- The Regulation of Lobbying Law -- for "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."

The repeal could have the effect of subjecting to the Law:

- 1) The governor, the lieutenant governor, and their staff members when any of the above communicate directly with legislators or legislative staff members in order to influence legislative action;
- 2) Legislators who lobby each other, the governor, the lieutenant governor, a commissioner, deputy commissioner, assistant commissioner, division director, or member of certain boards and commissions;
- 3) Legislative employees who lobby legislators, other legislative employees or public officials listed in No. 2 above;
- 4) Elected and appointed municipal officials and employees who attempt to influence state elected officials, legislative employees, or other state public officials listed in No. 2 above;
- 5) State officials or employees who attempt to influence the administrative action of other state officials or employees; and
- 6) State officials or employees who lobby legislators or legislative employees.

The only apparent exceptions to the above would be for those individuals who limited their contact to 4 hours in a 30 day period, or to public proceedings, or who were invited by either or both houses of the legislature or a legislative committee to appear and explain a pending matter.

Rough calculations indicate that simple repeal of Section 161(a)(2) could subject some 2,000 state and municipal officials and employees to the registration and reporting requirements of the Law. While it is likely that substantially fewer than 2,000 persons would actually take action such that they are covered by the Law, the APOC would, nevertheless, be forced to undertake an educational/ outreach program to inform all those potentially subject of the Law's requirements.

The Commission is of the opinion that simple repeal of the existing exemption would be undesirable. The aforementioned possible impact of the repeal speaks for

itself in terms of the extensiveness of the activities which might be covered. The amount of time and energy spent by public officials and employees to determine and measure their reportable legislative and administrative lobbying activity could have the unanticipated effect of making government less efficient and productive. The potential for numerous Attorney General opinions concerning reportable activity abounds.

Sixteen states have lobbying laws which cover public officials and/or employees. Of these, nine include some sort of administrative agency lobbying provision. Based on discussions with persons from three of these states, the following are frequent considerations:

- elected state and local officials are exempt
- legislative employees are exempt
- inter and intra departmental lobbying is exempt
- special reporting requirements are established for public sector lobbyists (e.g. only the agency reports)
- agency responses to legislative inquiries are excluded from the definition of lobbying

Primarily what survives is the reporting of legislative lobbying activities by state and municipal employees. It seems to the Commission that much information about related costs of employees who lobby is already available: departments have highly visible legislative liaisons whose salary level is public information and the travel authorization forms of non-Juneau based employees are public documents. Further, public employees who spent fewer than 4 hours in a 30 day period in direct communication with legislators or legislative staffers, or who limited their contact to public proceedings would not need to register and report. Hence, the information on file with the APOC would not necessarily capture the complete public employee lobbying picture or reveal data which is not elsewhere available.

The Commission opposes repeal of Section 161(a)(2). The fiscal ramifications as outlined in the attached fiscal note and the resultant confusion over what activities would constitute reportable lobbying would not seem to support repeal of the exemption.

Should simple repeal of the exemption be set aside in favor of a less sweeping version, staff contends a couple of points might be considered: The lobbying law suggests that administrative lobbying is as important as legislative lobbying; hence, if it is deemed significant for public officials and employees who are outside the legislative branch to report costs associated with legislative lobbying, perhaps it is equally relevant for those outside the executive branch to report costs associated with attempts to influence administrative action. Attention should also be given to a statutory definition of public official/employee,

modifying the reporting requirements to require agency reporting only, and eliminating responses to requests for information from reportable lobbying activity.

Department of Administration  
Department  
*Michael Rudd* 3/29/83  
Commissioner Date

Alaska Public Offices Commission  
Division  
*Sheda S. Pittman* 3/27/83  
Director Date

DAVE -----

POSITION STMTS, WHATEVER/  
PLS GET COMMENTS/ON \_\_\_\_\_ FROM \_\_\_\_\_

SB 143 -- ATTY GENL, CHIEF PROSECUTOR; ANCH - MUNI ATTY, COMMISSIONER  
OF PUBLIC SAFETY, CHIEF OF POLICY; FAI AND OTHER MAJOR BOROS &  
CITIES --- ATTY, CHIEF OF POLICE; STATE COMM OF PUBLIC  
SAFETY BOB SUNDBERG

*Suzanne*

SB 137 -- APOC, MAYORS, AND APPROPRIATE ASSORTMENT OF NON-PROFITS --  
CHECK OUT WHO'D BE AFFECTED

THX

VIC

2/25/83



# Alaska State Legislature

## Senate

OFFICIAL BUSINESS  
RULES COMMITTEE

March 25, 1983

JAN FAIKS  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3770

TO: Senator Vic Fischer, Chairman, State Affairs

FROM: Senator Jan Faiks

REGARDING: Senate Bill 137

SB 137 Would require an elected or appointed official or an employee of the state or municipality acting in his official capacity or within the scope of his employment to file a registration statement with the Alaska Public Offices Commission and comply with the Regulation of Lobbying Act AS 24.25. This would not apply to an elected or appointed state or municipal public officer or an employee of the state or municipality 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.

In Anchorage, municipal employees spend thousands of state dollars coming to Juneau to lobby for more state dollars. The Municipality of Anchorage has budgeted \$114,370 for the office of their legislative liaison. The University of Alaska statewide has budgeted \$22,300 for salary for a legislative liaison and \$12,500 for travel expenses during the legislative session. Yet their "legislative liaisons" are not required to file with APOC.

On the other hand, lobbyists who spend only 5 hours lobbying in a 30 day period are required to follow all the registration procedures outlined by statute. Attached are copies of registration forms filed by lobbyists who spend very little time walking the halls of the Legislature. On the other hand, employees of municipalities who are full-time residents of the Baranof Hotel during the legislative session, are not required to file with APOC.

The Legislature, as well as the public, is entitled to know who these full time lobbyists are, how much they are paid, and what their expenses are. If a private firm who hires a lobbyist is required to tell the world how much they are paying in salary and expenses, then those municipal employees who act as lobbyists being paid with public money should be required to do at least as much. These public employees should be held accountable to the public.

This idea is not new. Thirty eight states define lobbyists to include public officials acting in a public capacity. In Colorado, state employees may not lobby the Legislature unless requested to do so. Seventeen states define a lobbyist as anyone spending money to influence legislation. Attached is a copy of the Colorado Sunshine Law.

Several questions have been posed to me about the effects of this proposed legislation. I would like to answer some of them here.

1. How many people would be covered by the repeal of this statute?

I believe that problem is taken care of by the definition of lobbyist in AS. 24.45.171 (8) (A) and the definition of "substantial" and "regular" in the Alaska Administrative Code. 2 AAC 50.545(f). Substantial or regular is defined as spending in excess of four hours within a thirty day period in direct communication with a public official or legislative employee. Therefore, state employees spending fewer than 4 hours a month on lobbying activities would not be required to register.

2. Aren't municipal and state budgets already public information?

This is true. Nonetheless, the information should be put in such a format that it is readily accessible to members of the public. It was difficult for me to extract this information from the Municipality. It would be more difficult for a member of the public. They should be no less accountable to the public than those workers paid with state money.

3. Should the one branch of government be required to keep track of their time spent talking another branch of government?

No. However when talking becomes lobbying and state dollars are being spent, state and municipal government employees should be required to register.

4. Does it matter if there is an invitation?

I believe the same theory can and should be applied to public officials as applies to the private sector. If they fit the definition, they should be required to register. If they spend more than 4 hours in a 30 day period attempting to encourage the passage or defeat or modification of legislation, they must register.

I feel strongly that state and municipal employees who use public money to lobby for more public funds should comply with the statute. I would like to thank the chairman for scheduling my bill for a hearing.



# Alaska State Legislature

## Senate

OFFICIAL BUSINESS  
RULES COMMITTEE

Attachments

JAN FAIKS  
POUCH V  
JUNEAU, ALASKA 99811  
(907) 465-3770

1. APOC Filing required from the private sector
2. APOC Filing required from the private sector
3. APOC Filing required from the private sector
4. APOC Filing of the lobbyist from the Municipality of Anchorage required last year. He has since gone on the payroll of the Municipality and is no longer required to file.
5. Oregon Lobbying Statute
6. Colorado Sunshine Law
7. 2 AAC 50. 242 Definition of administrative action, legislative action, and substantial or regular.
8. AS. 39.50.200 (1) Definition of public official
9. AS. 24.45.171 (8) (A) Definition of Lobbyist
10. Lobbyists as defined in state statutes
11. Lobbying Regulations of other states

ENV. ED  
 POLKINA  
 24-3

**LOBBYIST REPORT**

RETURN TO:

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

RECEIVED  
 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.

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---	<u>Plumbers &amp; Pipefitters Local</u>	
Food and Beverage	---0---		
Living Accommodations	---0---		
Travel	---0---		
Office Expense	---0---		
Telephone	---0---		
Secretarial	---0---		
Other Expenses (Explain below or reverse)	---0---		
Other Compensation (Explain below or reverse)	---0---		
TOTAL this period			-----0-----
CUMULATIVE from last report:		-----0-----	
CUMULATIVE TO DATE:		-----0-----	

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

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

COMPLETE REVERSE SIDE

LOBBYIST REPORT

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

RECEIVED  
 MAR - 1 1982

2/25 APOC - JNO  
 P.M. INC.

(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>Turner &amp; Pinetree Coal</i>	
Food and Beverage	---0----		
Living Accommodations	---0----		
Travel	---0----		
Office Expense	---0----		
Telephone	---0----		
Secretarial	---0----		
Other Expenses (Explain below or reverse)	0		
Other Compensation (Explain below or reverse)	---0----		
TOTAL this period		-----0-----	
CUMULATIVE from last report:		-----0-----	
CUMULATIVE TO DATE:		-----0-----	

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

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

COMPLETE REVERSE SIDE

**LOBBYIST REPORT**

RETURN TO:

ALASKA PUBLIC OFFICES COMMISSION

Pouch CO

Juneau, Alaska 99811-0222

(907) 465-4864 or 465-4865

**RECEIVED**  
FEB 26 1982

APOC - JNO

P.M. H.C.

2-23

(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 <b>James W. Austin</b>	Telephone <b>(916) 444-3767</b>
--	------------------------------------

Mailing Address <b>1225 - 8th St., Suite 300, Sacramento CA 95814</b>	<input type="checkbox"/> 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:
		<b>Motor Vehicle Mfrs. Assoc.</b>	
Salary, Fee, Retainer	\$ -0-	-0-	
Food and Beverage	-0-	-0-	
Living Accommodations	-0-	-0-	
Travel	-0-	-0-	
Office Expense	-0-	-0-	
Telephone	-0-	-0-	
Secretarial	10.50	10.50	
Other Expenses (Explain below or reverse)	-0-	-0-	
Other Compensation (Explain below or reverse)	-0-	-0-	
<b>TOTAL this period</b>		<b>10.50</b>	
<b>CUMULATIVE from last report:</b>		<b>-0-</b>	
<b>CUMULATIVE TO DATE:</b>		<b>10.50</b>	

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

**LOBBYIST REPORT**

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

**RECEIVED**  
MAR 19 1982

3/18 APOC - JNC  
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 **James W. Austin** Telephone **(916) 444-3767**

Mailing Address **1225 - 8th St., Suite 300, Sacramento CA 95814**  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.

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:
		<b>Motor Vehicle Mfrs. Assoc.</b>	
Salary, Fee, Retainer	\$ -0-	-0-	
Food and Beverage	-0-	-0-	
Living Accommodations	-0-	-0-	
Travel	-0-	-0-	
Office Expense	-0-	-0-	
Telephone	-0-	-0-	
Secretarial	10.50	10.50	
Other Expenses (Explain below or reverse)	-0-	-0-	
Other Compensation (Explain below or reverse)	-0-	-0-	
<b>TOTAL this period</b>		<b>10.50</b>	
<b>CUMULATIVE from last report:</b>		<b>10.50</b>	
<b>CUMULATIVE TO DATE:</b>		<b>21.00</b>	

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

# LOBBYIST REPORT

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

(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 Telephone  
**Al J. Baffone, Sr.** **276-7211**

Mailing Address  Check if New Mailing Address  
**530 East Fourth Avenue, Anchorage, AK 99501**

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

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

Show total amount of <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:
		<b>Public Employees Local 71</b>
Salary, Fee, Retainer	\$ -0-	
Food and Beverages	-0-	
Living Accommodations	-0-	
Travel	-0-	
Office Expense	-0-	
Telephone	0	
Secretarial	-0-	
Other Expenses (Explain below or reverse)	-0-	
Other Compensation (Explain below or reverse)	-0-	
TOTAL this period	-0-	
CUMULATIVE from last report:	-0-	
CUMULATIVE TO DATE:	-0-	

APPROVED  
 MAR 15 1982  
 APOC-ANCH  
 PA 3/3/82

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
N/A			

COMPLETE REVERSE SIDE

# LOBBYIST REPORT

RETURN TO:

ALASKA PUBLIC OFFICES COMMISSION

Pouch CO

Juneau, Alaska 99811-0222

(907) 465-4864 or 465-4865

RECEIVED

FEB 24 1982

APOC - JNO  
P.M. H.C.

2-22

(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 <p style="text-align: center; margin: 0;">Al J. Baffone, Sr.</p>	Telephone <p style="text-align: center; margin: 0;">(907) 276-7211</p>
--	---

Mailing Address <p style="text-align: center; margin: 0;">530 East Fourth Avenue, Anchorage, AK 99501</p>	<input type="checkbox"/> 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:
Salary, Fee, Retainer	\$ -0-	Public Employees Local 71
Food and Beverage	-0-	
Living Accommodations	-0-	
Travel	-0-	
Office Expense	-0-	
Telephone	-0-	
Secretarial	-0-	
Other Expenses (Explain below or reverse)	-0-	
Other Compensation (Explain below or reverse)	-0-	
<b>TOTAL this period</b>	-0-	
<b>CUMULATIVE from last report:</b>	-0-	
<b>CUMULATIVE TO DATE:</b>	-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
N/A			

COMPLETE REVERSE SIDE

**LOBBYIST REPORT**

**ARRIVED**

RETURN TO:

ALASKA PUBLIC OFFICES COMMISSION

Pouch CO

Juneau, Alaska 99811-0222

(907) 465-4864 or 465-4865

MAR 1 1962

APOC-ANCH

(PLEASE PRINT OR TYPE)

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

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

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

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

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

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

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

Show total amount of <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	\$6,000.00	Municipality of Anchorage	
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:

ALASKA PUBLIC OFFICES COMMISSION

Pouch CO

Juneau, Alaska 99811-0222

(907) 465-4864 or 465-4865

REVISED  
=====

4/28/82

LEASE 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.

Lobbyist's Name <b>Patrick M. Anderson</b>	Telephone <b>279-5528</b>
Mailing Address <b>1016 West Sixth Avenue, Suite 400, Anchorage, AK 99501</b>	
<input type="checkbox"/> Check if New Mailing Address	
This Report Covers the Period of: (Check ONE Only)	
<input type="checkbox"/> January <input checked="" type="checkbox"/> February <input type="checkbox"/> March <input type="checkbox"/> April <input type="checkbox"/> May <input type="checkbox"/> June <input type="checkbox"/> 1st Qtr. <input type="checkbox"/> 2nd Qtr. <input type="checkbox"/> 3rd Qtr. <input type="checkbox"/> 4th Qtr. <input checked="" type="checkbox"/> Amended 19 <b>82</b>	

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

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

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

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

171.690 (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 approval of 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 s.s. c.1 §1; 1975 c.136 §1; 1979 c.593 §1; renumbered 183.710)

171.707 (1975 c.136 §3 (enacted in lieu of 171.710); 1977 c.344 §1; 1979 c.593 §2; renumbered 183.715)

171.709 (1975 c.136 §4 (enacted in lieu of 171.710); 1977 c.344 §3; 1975 c.593 §3; renumbered 183.720)

171.710 (1963 s.s. c.1 §2; repealed by 1975 c.136 §2 (171.707, 171.709, 171.713 enacted in lieu of 171.710))

171.713 (1975 c.136 §5 (enacted in lieu of 171.710); 1977 c.344 §4; renumbered 183.725)

171.715 (1977 c.181 §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 money or 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 and any member of the staff or an employee thereof. A member of a state board or commission, other than a member who is employed in full-time 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.

(1973 c.402 §2; 1975 c.747 §1; 1977 c.588 §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.402 §1)

171.735 Application of ORS 171.740 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 178.060, Attorney General, Deputy Attorney General appointed pursuant to ORS 180.130, Superintendent of Public Instruction and Commissioner of the Bureau of Labor and Industries. (1973 c.402 §3; 1974 s.s. c.72 §2; 1975 c.747 §2; 1977 c.588 §1a; 1979 c.660 §1; 1981 c.528 §1)

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-

378-5105

Grace Bedford

required to register if they exceed 16 hours per calendar quarter & \$50 per calendar quarter - excluding meals, travel & lodging

or any individual who appears as counsel or agent.

means any individual who engages in lobbying or other thing of value consists of nothing but actual and reasonable expenses incurred for travel, lodging, and parking, while engaged in lobbying, and the organization and members thereof of his lobbying.

L. 77, p. 1662, § 1; C.R.S. 1963, § 3-37-301; L. 77, p. 1638, § 37.

statements - required. (1) Any person who by himself or other person in any manner, directly or indirectly, receives money or any other thing of value during a calendar year to be used for lobbying by any person shall file a disclosure statement with the secretary of state in accordance with section 24-6-301.

statements - required. (1) Any person who by himself or other person in any manner, directly or indirectly, receives money or any other thing of value during a calendar year to be used for lobbying by any person shall file a disclosure statement with the secretary of state in accordance with section 24-6-301.

statements - required. (1) Any person who by himself or other person in any manner, directly or indirectly, receives money or any other thing of value during a calendar year to be used for lobbying by any person shall file a disclosure statement with the secretary of state in accordance with section 24-6-301.

statements - required. (1) Any person who by himself or other person in any manner, directly or indirectly, receives money or any other thing of value during a calendar year to be used for lobbying by any person shall file a disclosure statement with the secretary of state in accordance with section 24-6-301.

statements - required. (1) Any person who by himself or other person in any manner, directly or indirectly, receives money or any other thing of value during a calendar year to be used for lobbying by any person shall file a disclosure statement with the secretary of state in accordance with section 24-6-301.

L. 77, p. 1662, § 1; C.R.S. 1963, § 3-37-302; L. 77, p. 1638, § 37.

professional lobbyist - filing of disclosure statement. (1) Any professional lobbyist, before entering into a contract with the secretary of state and file a written statement shall contain:

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

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

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

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

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

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

(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 proceedings.

(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, § 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.

(2) 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. 1152, § 4; L. 79, p. 1638, § 39

(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:

(1) 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;

(2) The drafting, introduction, sponsorship, consideration, debate, amendment,

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

(IV) The drafting, consideration, amendment, rule, standard, or rate of any state agency having rule-making authority. Subject to the exclusions and provisions of purpose of determining when contributions and expenditures are reportable in disclosure statements, "lobbying" include the person engaging in lobbying and persons acting for lobbying which in fact ultimately occurs, provided:

(1) No such reports shall be required for activities occurring during the preceding calendar year;

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

(c) "Lobbying" does not include communication in response to a statute, rule, regulation, or order received from:

(1) "Lobbying" does not include communication which appears before a committee of the general assembly or commission solely as a result of an affirmative board, or commission issuing a mandatory order that he appear and testify, or making such a person a proceeding whether or not he is reimbursed by commission for his expenses incurred in making such appearance;

(II) Subject to the provisions of subparagraph (1), "lobbying" includes such communications by any person more than three such appearances before any committee in a calendar year. "Appearance", for the purpose of this subsection, means the testimony given before a committee, by a person on a single issue, rule, rate, or bill, regardless of the number of such appearances necessary to present the testimony.

(c) "Lobbying" does not include communication in violation of law when such communications are made on behalf of a person who has been identified and when such communications are subject to control by the judicial branch of government.

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

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

(5) "Political committee" means any committee, organization, or group of persons which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of a presidential and vice-presidential electors or any other electors, or a subcommittee of a national, state, or local political party.

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