

CLERK'S OFFICE  
**AMENDED AND APPROVED**

Date: 5-22-07

NOTICE OF RECONSIDERATION

WAS GIVEN BY MR. SULLIVAN 5-23-07;

RECONSIDERED 6-12-07; AMENDED FURTHER

AND APPROVED 6-12-07

Submitted by: ASSEMBLY MEMBER BAUER  
ASSEMBLY MEMBER SULLIVAN

Prepared by: Assembly Counsel

For reading: May 22, 2007

**ANCHORAGE, ALASKA**

**AO NO. 2007-72(S)**

AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 2.35, REGULATIONS OF LOBBYING, TO PROVIDE FOR DISCLOSURE OF CRIMINAL CONVICTION, FEES FOR CRIMINAL JUSTICE INFORMATION AND NATIONAL CRIMINAL HISTORY RECORD CHECK AND TO PROHIBIT REGISTRATION AND ACTION AS A LOBBYIST BY A PERSON WITH A CONVICTION FOR EGREGIOUS CRIMINAL CONDUCT.

THE ANCHORAGE ASSEMBLY ORDAINS:

**Section 1.** Anchorage Municipal Code section 2.35.010 is hereby amended to read as follows:

**2.35.010 Purpose.**

The assembly finds and declares that the operation of responsible representative municipal government requires that the fullest opportunity be afforded to the people to petition their government and to express freely to their local, elected and appointed representatives and officials, their opinions on pending legislation or government actions; and that the people are entitled to know the identity and activities of those persons who pay, are paid or reimbursed for expenses, or who make expenditures or other payments in an effort to influence legislative or other government action. The assembly further finds and declares that in the operation of responsible representative government, honesty and freedom from corruption are paramount.

(AO No. 2000-68(S-1), § 1, 8-15-00)

**Section 2.** Anchorage Municipal Code section 2.35.020 is hereby amended by adding defined terms to read as follows: (*Other definitions in the referenced section are not affected and therefore not set out.*)

**2.35.020 Definitions.**

A. In this chapter, unless the context clearly indicates otherwise,

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Conviction means a finding or verdict of criminal guilt as an adult in a court of law and occurs upon entry of a plea of guilt or no contest or upon entry of a finding or verdict of guilt.

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~~Egregious criminal conduct means any crime which is or would be a felony in the State of Alaska, another state of the United States, or under federal law, and shall also Egregious criminal conduct includes without limitation, felonious activity in breach of the public trust, any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, bribery, corruption, extortion, misappropriation, theft, money laundering, or an attempt or a conspiracy or solicitation of another to commit "egregious criminal conduct".~~

Felony means a crime punishable by death or imprisonment in excess of one year under the law under which the person was convicted.

(AO No. 2000-68(S-1), § 1, 8-15-00)

**Section 3.** Anchorage Municipal Code section 2.35.040 is hereby amended by adding a new subsection to read as follows:

**2.35.040 Administration.**

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C. Upon payment of required fees, the municipal clerk shall arrange for receipt of criminal justice information of conviction and a national criminal history record check for conviction from the Department of Public Safety, available pursuant to AS 12.62.160.

(AO No. 2000-68(S-1), § 1, 8-15-00)

**Section 4.** Anchorage Municipal Code section 2.35.050D is hereby amended and a new subsection 2.35.050A.7 is added to read as follows:

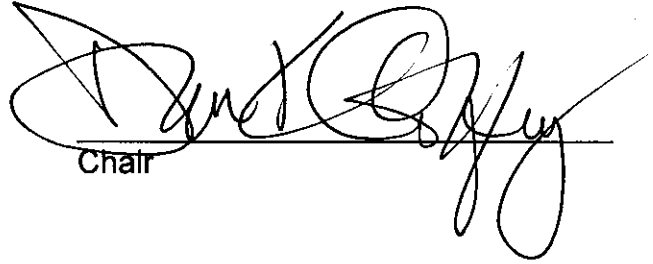
**2.35.050 Registration.**

A. Before engaging in lobbying, a lobbyist shall file a notarized registration statement annually with the municipal clerk, including the following information:


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1  
2 PASSED AND APPROVED by the Anchorage Assembly this 12<sup>th</sup> day of  
3 June, 2007.  
4

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6  
7  
8   
Chair

9 ATTEST:

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12  
13 Municipal Clerk



**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY MEMORANDUM**  
**NO. AM 360-2007**

**Meeting Date:** May 22, 2007

**From:** ASSEMBLY MEMBERS BAUER AND SULLIVAN

**Subject:** AO 2007-72(S) — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING AMC CHAPTER 2.35, REGULATIONS OF LOBBYING, TO PROVIDE FOR DISCLOSURE OF CRIMINAL CONVICTION, FEES FOR CRIMINAL JUSTICE INFORMATION AND NATIONAL CRIMINAL HISTORY RECORD CHECK AND TO PROHIBIT REGISTRATION AND ACTION AS A LOBBYIST BY A PERSON WITH A CONVICTION FOR EGREGIOUS CRIMINAL CONDUCT.

AMC chapter 2.35, Regulations of Lobbying, became effective in 2000 in recognition by the Assembly that the people are entitled to know the identity and activities of those persons who pay, are paid or reimbursed for expenses, or who make expenditures or other payments in an effort to influence legislative or other government action. In the operation of responsible representative government, honesty and freedom from corruption are paramount. Conviction for egregious criminal conduct demonstrates moral turpitude. As events involving public corruption are unfolding on the state and federal levels, the need to bar convicted purveyors and participants in fraud, crime and dishonesty from registration and action as lobbyists is apparent.

This ordinance provides for a background check and requires the applicant to disclose the offense and penalty for any criminal conviction. Egregious criminal conduct is a bar to action or registration as a lobbyist under AMC chapter 2.35. AO 2007-72(S) makes changes to the ordinance as originally introduced, to clarify that egregious criminal conduct includes any felony conviction within the preceding 10-year period. These changes were made following review by the Assembly Ethics Committee on May 14, 2007.

Respectfully submitted:

Paul Bauer  
Assembly Member, Section 3

Dan Sullivan  
Assembly Member, Section 5



**MUNICIPALITY OF ANCHORAGE**  
**ASSEMBLY MEMORANDUM**  
**NO. AM 373-2007**

**Meeting Date:** May 22, 2007

**From:** ASSEMBLY MEMBER CLAMAN

**Subject:** AO 2007-72(S) — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING AMC CHAPTER 2.35, REGULATIONS OF LOBBYING, TO PROVIDE FOR DISCLOSURE OF CRIMINAL CONVICTION, FEES FOR CRIMINAL JUSTICE INFORMATION AND NATIONAL CRIMINAL HISTORY RECORD CHECK AND TO PROHIBIT REGISTRATION AND ACTION AS A LOBBYIST BY A PERSON WITH A CONVICTION FOR EGREGIOUS CRIMINAL CONDUCT.

The proposed floor amendments to AO2007-72(S) reflect the view that the proposed legislation introduces new and previously untested legal term ("egregious criminal conduct") and places additional duties on the Municipal Clerk that will result in additional costs to taxpayers.

The proposed revisions in Floor Amendment 1 incorporate court-tested and commonly-utilized language to define felony conduct. The language is based on Federal Rule of Evidence 609, which permits courts to hear evidence of a witness's prior conviction for a felony, as well as prior misdemeanor convictions involving dishonesty or false statement. The policy behind allowing a jury to consider a witness's prior criminal record for the purpose of determining that witness's credibility is well established and supports the legislative policy here. Because the Assembly Ethics Committee preferred a restriction limited to prior felony convictions, language from Federal Rule of Evidence 609 referencing misdemeanor crimes involving dishonesty and false statement is not included.

Floor Amendment 2 would delete the background check, and corresponding references.

The goal of these amendments is to maintain the spirit and purpose of the proposal while providing simple, common-sense means to apply the law.

Respectfully submitted:

Matt Claman  
Assembly Member, Section 3

AO 2007-72(S)

Floor Amendment No. 1 — REGULATIONS FOR LOBBYING —  
AO 2007-72(S)

*Repealed 5/22/07*

Submitted by: ASSEMBLY MEMBER CLAMAN  
Prepared by: Assembly Counsel  
For reading: May 22, 2007

FLOOR AMENDMENT 1 TO AO 2007-72(S)

AO NO. 2007-72(S) is amended as follows:

**Amendment 1.** Replace "egregious criminal conduct" with standard felony definition.

Page 2, lines 6 –15 **Delete** *Egregious criminal conduct* and **add** definition for *Felony*:

~~Egregious criminal conduct means any crime which is or would be a felony in the State of Alaska or under federal law, and shall also include any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, bribery, corruption, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit "egregious criminal conduct".~~

**Felony means a crime punishable by death or imprisonment in excess of one year under the law under which the person was convicted.**

Page 2, lines 39-41 **Clerical** (technical) clarifications:

7. The lobbyist shall disclose whether the lobbyist has **any** a criminal convictions, where and when so convicted, the nature of **each** the offense and the penalty, if any.

Page 3, line 16 Add "felony" and delete reference to "egregious criminal conduct":

B. The municipal clerk shall report any suspected violations of this chapter to the municipal attorney including, without limitation, registration by a person with a **felony** conviction ~~for egregious criminal conduct~~ as defined in this chapter.

Page 3, lines 25 –27 Add "felony" and delete reference to "egregious criminal conduct":

F. Persons with a **felony** conviction ~~for egregious criminal conduct~~ **from any jurisdiction within the preceding 10 years** are prohibited from registration or action as a lobbyist under this chapter.

Floor Amendment No. 2 — REGULATIONS FOR LOBBYING —  
AO 2007-72(S)

*Filed 5/24/07*

**Submitted by:** ASSEMBLY MEMBER CLAMAN  
**Prepared by:** Assembly Counsel  
**For reading:** May 22, 2007

FLOOR AMENDMENT 2 TO AO 2007-72(S)

AO NO. 2007-72(S) is amended as follows:

**Amendment 2.** 2.35.040 *Administration* to delete background check by clerk's office and corresponding reference in 2.35.050D

Page 2, lines 19 –29 **Delete** all of Section 3:

**Section 3.** ~~Anchorage Municipal Code section 2.35.040 is hereby amended by adding a new subsection to read as follows:~~

**2.35.040 Administration.**

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~~C. Upon payment of required fees, the municipal clerk shall arrange for receipt of criminal justice information of conviction and a national criminal history record check for conviction from the Department of Public Safety, available pursuant to AS 12.62.160.~~

~~(AO No. 2000-68(S-1), § 1, 8-15-00)~~

Page 3, lines 1 –5, delete proposed amendment to 2.35.050D

~~D. Each application for registration or renewal of registration as a lobbyist under this section shall be accompanied by a fee of \$25.00, in addition to the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information of conviction and a national criminal history record check for conviction. Such application shall not be accepted without payment of the fee.~~



Municipality of Anchorage  
MUNICIPAL CLERK'S OFFICE  
**Agenda Document Control Sheet**

AO 2007-72(S)

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

|          |  |   |
|----------|--|---|
| <b>1</b> | SUBJECT OF AGENDA DOCUMENT<br>AMENDING AMC 2.35, REGULATIONS OF LOBBYING           | DATE PREPARED<br>5/18/07  |
|          |  |   |
|          |  | Indicate Documents Attached<br><input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM |
| <b>2</b> | DEPARTMENT NAME<br>Assembly  | DIRECTOR'S NAME<br>Dan Coffey, Assembly Chair   |
| <b>3</b> | THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY<br>Julia Tucker, Assembly Counsel | HIS/HER PHONE NUMBER<br>343-4419  |
| <b>4</b> | <b>COORDINATED WITH AND REVIEWED BY</b>  | <b>INITIALS</b>   |
|          | Mayor  |   |
|          | Municipal Clerk  |   |
|          | Municipal Attorney   |   |
|          | Employee Relations   |   |
|          | Municipal Manager  |   |
|          | Anchorage Parks & Recreation   |   |
|          | Fire   |   |
|          | Health & Human Services  |   |
|          | Merrill Field Airport  |   |
|          | Municipal Light & Power  |   |
|          | Office of Management and Budget  |   |
|          | Police   |   |
|          | Port of Anchorage  |   |
|          | Office of Economic & Community Development   |   |
|          | Solid Waste Services   |   |
|          | Public Transportation  |   |
|          | Anchorage Water & Wastewater Utility   |   |
|          | <b>Executive Manager</b>   |   |
|          | Planning Department  |   |
|          | Chief Fiscal Officer   |   |
|          | Heritage Land Bank   |   |
|          | Information Technology Department  |   |
|          | Project Management & Engineering   |   |
|          | Purchasing   |   |
|          | Other  |   |
|          |  |   |
|          |  |   |
| <b>5</b> | <b>Special Instructions/Comments</b>   |   |
|          | Addendum - New Public Hearings, 14.B.2.  |   |
|          |  |   |
|          |  |   |
|          |  |   |
| <b>6</b> | ASSEMBLY HEARING DATE REQUESTED<br>5/22/07   | <b>7</b>  |
|          |  | PUBLIC HEARING DATE REQUESTED<br>5/22/07  |

2007 MAY 18 AM 10:13  
 CLERK'S OFFICE  
 M.O.A.

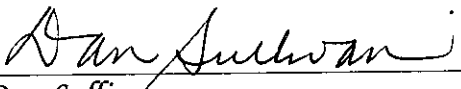
## NOTICE OF RECONSIDERATION

I hereby file Notice of Reconsideration on the following:

Ordinance No. AO 2007-72(S), an ordinance of the Anchorage Municipal Assembly amending Anchorage Municipal Code Chapter 2.35, **Regulations of Lobbying**, to provide for disclosure of criminal conviction, fees for criminal justice information and national criminal history record check and to prohibit registration and action as a lobbyist by a person with a conviction for egregious criminal conduct, Assemblymembers Bauer and Sullivan.  
(AMENDED AND APPROVED 5-22-07)

I voted on the prevailing side.

DATED THIS 23<sup>RD</sup> DAY OF MAY, 2007

  
\_\_\_\_\_  
Dan Sullivan

Seconded by: Paul Bauer 05/23/07 3:04pm

M.O.A.  
2007 MAY 23 PM 3:04  
CLEANS OFFICE