

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 3, 2010

SUBJECT: Committee Substitute for House Bill 409 (STA)
(Work Order No. 26-LS1495E)

TO: Representative Bob Lynn
Chair of the House State Affairs Committee
Attn: Mike Sica

FROM: Alpheus Bullard *LAB*
Legislative Counsel

This memorandum accompanies the above-described Committee Substitute that is amended by amendments 26-LS1495\R.1, 26-LS1495\R.7, and half of 26-LS1495\R.3. I have one comment.

The committee tabled a portion of amendment 26-LS1495\R.3. As a result, sec. 12 of CSHB 409(STA) now reads:

(g) An independent expenditure report required under AS 15.13.040(e) shall be filed with the commission not later than 24 hours after an expenditure has been made. *An independent expenditure report filed under this subsection must include any expenditure not yet reported that was made before the filing of the report. However, an independent expenditure that exceeds \$250 and that is made within nine days of an election shall be reported to the commission not later than 24 hours after the expenditure is made* (emphasis added).

The provision would have the same substantive effect if the tabled portion of the amendment were included, resulting in a subsection that would read:

(g) An independent expenditure report required under AS 15.13.040(e) shall be filed with the commission not later than 24 hours after an expenditure has been made.

The language in sec. 12 of CSHB 409(STA) italicized above, requires independent expenditures of over \$250 made within nine days of an election to be reported to the Alaska Public Offices Commission within 24 hours. The first sentence of the subsection now requires that all independent expenditures be reported within 24 hours. The first sentence of the subsection makes the final sentence of CSHB 409(STA) unnecessary.

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Similarly, if all independent expenditures must be reported to the Alaska Public Offices Commission within 24 hours of being made, there is no need to require an independent expenditure report to include expenditures "not yet reported that [were] made before the filing of the report." This sentence was included in HB 409 (26-LS1495\R) to ensure against the possibility that, in the sentence's absence, the statute could be interpreted to permit expenditures that are made 10 days before an election to not be reported until the day following the election, where an expenditure made within nine days of an election would have to be reported within 24 hours of the expenditure being made. If all independent expenditures must be disclosed within 24 hours, this sentence is no longer necessary for the purposes for which it was originally included, is redundant, and should be removed from the bill.

If you have any questions, please do not hesitate to contact me.

TLAB:plm
10-124.plm

Enclosure